

**ACTS AND RULES RELATING
TO SUGAR INDUSTRY
[Amendments Incorporated
Till October, 2017]**

**Food Safety & Standards Act
Jute Packaging Materials
Act & Rules**



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indian sugar mills association

INDIAN SUGAR MILLS ASSOCIATION
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CONTENT

Particular	Page No.
1. THE FOOD SAFETY AND STANDARD ACT, 2006 (duly amended till 2011)	5
2. THE FOOD SAFETY AND STANDARD RULE, 2011	101
3. THE FOOD SAFETY AND STANDARDS (LICENSING AND REGISTRATION OF FOOD BUSINESSES), REGULATIONS, 2011	133
4. THE FOOD SAFETY AND STANDARDS (PACKAGING AND LABELLING) REGULATIONS, 2011	223
5. JUTE PACKAGING MATERIALS ACT, 1987	285
6. JUTE PACKAGING MATERIAL RULES, 1987	295

**THE FOOD SAFETY AND STANDARD ACT,
2006
(duly amended till 2011)**

MINISTRY OF LAW AND JUSTICE
(Legislative Department)
(duly amended till 2011)

New Delhi, the 24th August, 2006/Bhadra2, 1928(Saka)

The following Act of Parliament received the assent of the President on 23rd August, 2006, and is hereby published for general information:-

FOOD SAFETY AND STANDARDS ACT, 2006 No. 34 OF 2006

[23rd August, 2006]

An Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. Short title, extent and commencement

- (1) This Act may be called the Food Safety and Standards Act, 2006.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be

construed as a reference to the coming into force of that provision.

2. Declaration as to expediency of control by the Union.

It is hereby declared that it is expedient in the public interest that the Union should take under its control the food industry.

3. Definitions.

- (1) In this Act, unless the context otherwise requires, –
 - (a) “adulterant” means any material which is or could be employed for making the food unsafe or sub-standard or mis-branded or containing extraneous matter;
 - (b) “advertisement” means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website and includes through any notice, circular, label, wrapper, invoice or other documents;
 - (c) “Chairperson” means the Chairperson of the Food Authority;
 - (d) “claim” means any representation which states, suggests, or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or otherwise;
 - (e) “Commissioner of Food Safety” means the Commissioner of Food Safety appointed under section 30;
 - (f) “consumer” means persons and families purchasing and receiving food in order to meet their personal needs;
 - (g) “contaminant” means any substance, whether or not added to food, but which is present in such food as a result of the production (including operations carried out in crop husbandry, animal husbandry or veterinary medicine),

manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food or as a result of environmental contamination and does not include insect fragments, rodent hairs and other extraneous matter;

- (h) “Designated Officer” means the officer appointed under section 36;
- (i) “extraneous matter” means any matter contained in an article of food which may be carried from the raw materials, packaging materials or process systems used for its manufacture or which is added to it, but such matter does not render such article of food unsafe;
- (j) “Food” means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food to the extent defined in clause (zk), genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances :

Provided that the Central Government may declare, by notification in the Official Gazette, any other article as food for the purposes of this Act having regards to its use, nature, substance or quality;

- (k) “food additive” means any substance not normally consumed as a food by itself or used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture,

processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result (directly or indirectly), in it or its by-products becoming a component of or otherwise affecting the characteristics of such food but does not include “contaminants” or substances added to food for maintaining or improving nutritional qualities;

- (l) “Food Analyst” means an analyst appointed under section 45;
- (m) “Food Authority” means the Food Safety and Standards Authority of India established under section 4;
- (n) “Food business” means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients;
- (o) “food business operator” in relation to food business means a person by whom the business is carried on or owned and is responsible for ensuring the compliance of this Act, rules and regulations made thereunder;
- (p) “food laboratory” means any food laboratory or institute established by the Central or a State Government or any other agency and accredited by National Accreditation Board for Testing and Calibration Laboratories or an equivalent accreditation agency and recognised by the Food Authority under section 43;
- (q) “food safety” means assurance that food is acceptable for human consumption according to its intended use;
- (r) “food safety audit” means a systematic and functionally independent examination of food safety measures adopted by manufacturing units to determine whether such measures

and related results meet with objectives of food safety and the claims made in that behalf;

- (s) “Food Safety Management System” means the adoption Good Manufacturing Practices, Good Hygienic Practices, Hazard Analysis and Critical Control Point and such other practices as may be specified by regulation, for the food business;
- (t) “Food Safety Officer” means an officer appointed under section 37;
- (u) “hazard” means a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect;
- (v) “import” means bringing into India any article of food by land, sea or air;
- (w) “improvement notice” means a notice issued under section 32 of this Act;
- (x) “infant food” and “infant milk substitute” shall have the meanings assigned to them in clauses (f) and (g) of subsection (l) of section 2 of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992(41 of 1992), respectively;
- (y) “ingredient” means any substance, including a food additive used in the manufacture or preparation of food and present in the final product, possibly in a modified form;
- (z) “label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, graphic, perforated, stamped or impressed on or attached to container, cover, lid or crown of any food package and includes a product insert;
- (za) “licence” means a licence granted under section 31;
- (zb) “local area” means any area, whether urban or rural, notified

by the Commissioner of Food Safety, to be a local area for the purposes of this Act;

- (zc) “manufacture” means a process or adoption or any treatment for conversion of ingredients into an article of food, which includes any sub-process, incidental or ancillary to the manufacture of an article of food;
- (zd) “manufacturer” means a person engaged in the business of manufacturing any article of food for sale and includes any person who obtains such article from another person and packs and labels it for sale or only labels it for such purposes;
- (ze) “Member” means Member of the Food Authority and includes the Chairperson; (zf) “misbranded food” means an article of food –

(A) if it is purported, or is represented to be, or is being –

(i) offered or promoted for sale with false, misleading or deceptive claims either;

(a) upon the label of the package, or

(b) through advertisement, or

(ii) sold by a name which belongs to another article of food; or

(iii) offered or promoted for sale under the name of a fictitious individual or company as the manufacturer or producer of the article as borne on the package or containing the article or the label on such package; or

(B) if the article is sold in packages which have been sealed or prepared by or at the instance of the manufacturer or producer bearing his name and address but -

(i) the article is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another article

of food under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character; or

(ii) the package containing the article or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular, or if the package is otherwise deceptive with respect to its contents; or

(iii) the article is offered for sale as the product of any place or country which is false; or

(C) if the article contained in the package –

(i) contains any artificial flavouring, colouring or chemical preservative and the package is without a declaratory label stating that fact or is not labelled in accordance with the requirements of this Act or regulations made thereunder or is in contravention thereof; or

(ii) is offered for sale for special dietary uses, unless its label bears such information as may be specified by regulation, concerning its vitamins, minerals or other dietary properties in order sufficiently to inform its purchaser as to its value for such use; or

(iii) is not conspicuously or correctly stated on the outside thereof within the limits of variability laid down under this Act.

(zg) “notification” means a notification published in the Official Gazette;

(zh) “package” means a pre-packed box, bottle, casket, tin, barrel, case, pouch, receptacle, sack, bag, wrapper or such other things in which an article of food is packed;

(zi) “premises” include any shop, stall, hotel, restaurant, airline

services and food canteens, place or vehicle or vessel where any article of food is sold or manufactured or stored for sale;

- (zj) “prescribed” means prescribed by rules made by the Central Government or the State Government, as the case may be under this Act;
- (zk) “primary food” means an article of food, being a produce of agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form, resulting from the growing, raising, cultivation, picking, harvesting, collection or catching in the hands of a person other than a farmer or fisherman;
- (zl) “prohibition order” means an order issued under section 33 of this Act;
- (zm) “risk”, in relation to any article of food, means the probability of an adverse effect on the health of consumers of such food and the severity of that effect, consequential to a food hazard;
- (zn) “risk analysis”, in relation to any article of food, means a process consisting of three components, i.e. risk assessment, risk management and risk communication;
- (zo) “risk assessment” means a scientifically based process consisting of the following steps: (i) hazard identification, (ii) hazard characterisation; (iii) exposure assessment, and (iv) risk characterisation;
- (zp) “risk communication” means the interactive exchange of information and opinions throughout the risk analysis process concerning risks, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, industry, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions;

- (zq) “risk management” means the process, distinct from risk assessment, of evaluating policy alternatives, in consultation with all interested parties considering risk assessment and other factors relevant for the protection of health of consumers and for the promotion of fair trade practices, and, if needed, selecting appropriate prevention and control options;
- (zr) “sale” with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or by way of exchange and whether by wholesale or retail, for human consumption or use, or for analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any such article, and includes also an attempt to sell any such article;
- (zs) “sample” means a sample of any article of food taken under the provisions of this Act or any rules and regulations made thereunder;
- (zt) “specified by regulations” means specified by regulations made by the Food Authority;
- (zu) “standard”, in relation to any article of food, means the standards notified by the Food Authority;
- (zv) “State Government” in relation to a Union territory means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;
- (zw) “substance” includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;
- (zx) “Sub-standard” an article of food shall be deemed to be sub-standard if it does not meet the specified standards but not so as to render the article of food unsafe;
- (zy) “Tribunal” means the Food Safety Appellate Tribunal
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established under section 70;

- (zz) “unsafe food” means an article of food whose nature, substance or quality is so affected as to render it injurious to health :—
- (i) by the article itself, or its package thereof, which is composed, whether wholly or in part, of poisonous or deleterious substance; or
 - (ii) by the article consisting, wholly or in part, of any filthy, putrid, rotten, decomposed or diseased animal substance or vegetable substance; or
 - (iii) by virtue of its unhygienic processing or the presence in that article of any harmful substance; or
 - (iv) by the substitution of any inferior or cheaper substance whether wholly or in part; or
 - (v) by addition of a substance directly or as an ingredient which is not permitted; or
 - (vi) by the abstraction, wholly or in part, of any of its constituents; or
 - (vii) by the article being so coloured, flavoured or coated, powdered or polished, as to damage or conceal the article or to make it appear better or of greater value than it really is; or
 - (viii) by the presence of any colouring matter or preservatives other than that specified in respect thereof; or
 - (ix) by the article having been infected or infested with worms, weevils, or insects; or
 - (x) by virtue of its being prepared, packed or kept under insanitary conditions; or
 - (xi) by virtue of its being mis-branded or sub-standard or food containing extraneous matter; or

(xii) by virtue of containing pesticides and other contaminants in excess of quantities specified by regulations.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding Law, if any, in force in that State.

CHAPTER II FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

4. Establishment of Food Safety and Standards Authority of India.

(1) The Central Government shall, by notification, establish a body to be known as the Food Safety and Standards Authority of India to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Food Authority shall be a body corporate by the name aforesaid, having perpetual succession and a seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The head office of the Food Authority shall be at Delhi.

(4) The Food Authority may establish its offices at any other place in India.

5. Composition of Food Authority and qualifications for appointment of its Chairperson and other Members

(1) The Food Authority shall consist of a Chairperson and the following twenty-two members out of which one-third shall be

women, namely:-

- (a) seven Members, not below the rank of a Joint Secretary to the Government of India, to be appointed by the Central Government, to respectively represent the Ministries or Departments of the Central Government dealing with -
 - (i) Agriculture,
 - (ii) Commerce,
 - (iii) Consumer Affairs,
 - (iv) Food Processing,
 - (v) Health,
 - (vi) Legislative Affairs,
 - (vii) Small Scale Industries, who shall be Members ex officio;
- (b) two representatives from food industry of which one shall be from small scale industries;
- (c) two representatives from consumer organisations;
- (d) three eminent food technologists or scientists;
- (e) five members to be appointed by rotation every three years, one each in seriatim from the Zones as specified in the First Schedule to represent the States and the Union territories;
- (f) two persons to represent farmers' organisations;
- (g) one person to represent retailers' organisations.

(2) The Chairperson and other Members of the Food Authority shall be appointed in such a manner so as to secure the highest standards of competence, broad range of relevant expertise, and shall represent, the broadest possible geographic distribution within the country.

(3) The Chairperson shall be appointed by the Central Government from amongst the persons of eminence in the field of food science or from amongst the persons from the administration who have been associated with the subject and is either holding or has held the position of not below the rank of Secretary to the Government of India.

(4) The Chairperson and the Members other than ex officio Members of the Food Authority shall be appointed by the Central Government on the recommendations of the Selection Committee.

(5) The Chairperson or Members other than ex-officio Members of the Food Authority shall not hold any other office.

6. Selection Committee for selection of Chairperson and Members of Food Authority.

(1) The Central Government shall, for the purpose of selection of the Chairperson and the Members other than ex officio Members of the Food Authority, constitute a Selection Committee consisting of—

- (a) Cabinet Secretary – Chairperson,
- (b) Secretary-in-charge of the Ministry or the Department responsible for administration of this Act as the convener– Member,
- (c) Secretary-in-charge of the Ministries or the Departments of the Central Government dealing with Health, Legislative and Personnel– Members,
- (d) Chairman of the Public Enterprises Selection Board – Member,
- (e) An eminent food technologist to be nominated by the Central Government – Member.

Explanation– For the purposes of clause (e), the Central Government shall nominate a person from amongst persons holding the post of Director or the Head, by whatever name called, of any national research or technical institution.

(2) The Central Government shall, within two months from the date of occurrence of any vacancy by reason of death, resignation, or removal of the Chairperson or a Member of the Food Authority and three months before the superannuation or completion of the term of office of the Chairperson or any Member of that Authority, make a reference to the Selection Committee for filling up of the vacancy.

(3) The Selection Committee shall finalise the selection of the Chairperson and Members of the Food Authority within two months from the date on which the reference is made to it.

(4) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

(5) Before recommending any person for appointment as a Chairperson or other Member of the Food Authority, the Selection Committee shall satisfy itself that such person does not have any financial or other interest, which is likely to affect prejudicially his functions as a Member.

(6) No appointment of the Chairperson or other Member of the Food Authority shall be invalid merely by reason of any vacancy in the Selection Committee.

7. Term of Office, salary, allowances and other conditions of service of Chairperson and Members of Food Authority

(1) The Chairperson and the members other than ex officio Members shall hold office for a term of three years from the date

on which they enter upon their offices, and shall be eligible for re-appointment for a further period of three years:

Provided that the Chairperson shall not hold office as such after he has attained the age of sixty-five years.

- (a) in the case of the Chairperson, the age of sixty-five years, and
- (b) in the case of a Member, the age of sixty-two years.

(2) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and Members other than ex-officio Members shall be such as may be prescribed by the Central Government.

(3) The Chairperson and every Member shall, before entering upon his office, make and subscribe to an oath of office and of secrecy in such form and in such manner and before such authority as may be prescribed by the Central Government.

(4) Notwithstanding anything contained in sub-section the Chairperson or any Member may –

- (a) relinquish his office by giving in writing to the Central Government a notice of not less than three months; or
- (b) be removed from his office in accordance with the provisions of section 8.

(5) The Chairperson or any Member ceasing to hold office as such shall not represent any person before the Food Authority or any State Authority in any manner.

8. Removal of Chairperson and Members of Food Authority.

(1) Notwithstanding anything contained in sub-section (1) of

section 7, the Central Government may, by order, remove from office the Chairperson or any other Member, if the Chairperson or as the case may be, such other Member,—

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as a Member; or
- (d) has acquired such financial or other interests as is likely to affect prejudicially his functions as a Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) No Member shall be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

9. Officers and other employees of Food Authority.

(1) There shall be a Chief Executive Officer of the Food Authority, not below the rank of Additional Secretary to the Government of India, who shall be the Member-Secretary of the Authority, to be appointed by the Central Government.

(2) The Food Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required to the Food Authority in the discharge of its functions.

(3) The salaries and allowances payable to and other conditions of service of, the Chief Executive Officer, officers, and other employees shall be such as may be specified by regulations by the Food Authority with the approval of the Central Government.

10. Functions of the Chief Executive Officer

(1) The Chief Executive Officer shall be the legal representative of the Food Authority and shall be responsible for –

- (a) the day-to-day administration of the Food Authority;
- (b) drawing up of proposal for the Food Authority's work programmes in consultation with the Central Advisory Committee;
- (c) implementing the work programmes and the decisions adopted by the Food Authority;
- (d) ensuring the provision of appropriate scientific, technical and administrative support for the Scientific Committee and the Scientific Panel;
- (e) ensuring that the Food Authority carries out its tasks in accordance with the requirements of its users, in particular with regard to the adequacy of the services provided and the time taken;
- (f) the preparation of the statement of revenue and expenditure and the execution of the budget of the Food Authority; and
- (g) developing and maintaining contact with the Central Government, and for ensuring a regular dialogue with its relevant committees.

(2) Every year, the Chief Executive Officer shall submit to the Food Authority for approval –

- (a) a general report covering all the activities of the Food Authority in the previous year;
- (b) programmes of work;
- (c) the annual accounts for the previous year; and

(d) the budget for the coming year.

(3) The Chief Executive Officer shall, following adoption by the Food Authority, forward, the general report and the programmes to the Central Government and the State Governments and shall have them published.

(4) The Chief Executive Officer shall approve all financial expenditure of the Food Authority and report on the Authority's activities to the Central Government.

(5) The Chief Executive Officer shall exercise the powers of the Commissioner of Food Safety while dealing with matters relating to food safety of such articles.

(6) The Chief Executive Officer shall have administrative control over the officers and other employees of the Food Authority.

11. Central Advisory Committee.

(1) The Food Authority shall, by notification, establish a Committee to be known as the Central Advisory Committee.

(2) The Central Advisory Committee shall consist of two members each to represent the interests of food industry, agriculture, consumers, relevant research bodies and food laboratories and all Commissioners of Food Safety, and the Chairperson of the Scientific Committee shall be ex officio member.

(3) The representatives of the concerned Ministries or Departments of the Central Government in Agriculture, Animal Husbandry and Dairying, Bio-technology, Commerce and Industry, Consumer Affairs, Environment and Forests, Food Processing Industries, Health, Panchayati Raj, Small Scale Industries and Food and Public Distribution or government institutes or

organisations and government recognised farmers' shall be invitees to the deliberations of the Central Advisory Committee.

(4) The Chief Executive Officer shall be ex officio Chairperson of the Central Advisory Committee.

(5) The Central Advisory Committee shall follow such rules of procedure including its transaction of business as may be specified by regulations.

12. Functions of Central Advisory Committee.

(1) The Central Advisory Committee shall ensure close cooperation between the Food Authority and the enforcement agencies and organisations operating in the field of food.

(2) The Central Advisory Committee shall advise the Food Authority on –

- (a) the performance of its duties under this section and in particular in drawing up of a proposal for the Food Authority's work programme,
- (b) on the prioritisation of work,
- (c) identifying potential risks,
- (d) pooling of knowledge, and
- (e) such other functions as may be specified by regulations.

(3) The Central Advisory Committee shall meet regularly at the invitation of the Chairperson of Central Advisory Committee or at the request of at least one-third of its members, and not less than three times a year.

13. Scientific Panels.

(1) The Food Authority shall establish scientific panels, which shall consist of independent scientific experts.

(2) The Scientific Panel shall invite the relevant industry and consumer representatives in its deliberations.

(3) Without prejudice to the provisions of sub-section (1), the Food Authority may establish as many Scientific Panels as it considers necessary in addition to the Panels on:

- (a) food additives, flavourings, processing aids and materials in contact with food;
- (b) pesticides and antibiotics residues;
- (c) genetically modified organisms and foods;
- (d) functional foods, nutraceuticals, dietetic products and other similar products;
- (e) biological hazards;
- (f) contaminants in the food chain;
- (g) labelling; and
- (h) method of sampling and analysis.

(4) The Food Authority may from time to time re-constitute the Scientific Panels by adding new members or by omitting the existing members or by changing the name of the panel as the case may be.

14. Scientific Committee.

(1) The Food Authority shall constitute Scientific Committee which shall consist of the Chairpersons of the Scientific Panels and six independent scientific experts not belonging or affiliated to any of the Scientific Panels.

(2) The Scientific Committee shall be responsible for providing the scientific opinions to the Food Authority, and shall have the powers, where necessary, of organising public hearings.

(3) The Scientific Committee shall be responsible for the general co-ordination necessary to ensure consistency of the scientific opinion procedure and in particular with regard to the adoption of working procedures and harmonisation of working methods of the Scientific Panels.

(4) The Scientific Committee shall provide opinions on multi-sectoral issues falling within the competence of more than one Scientific Panel, and on issues which do not fall within the competence of any of the Scientific Panels.

(5) Wherever necessary, and particularly, in the case of subjects which do not fall within the competence of any of the Scientific Panel, the Scientific Committee shall set up working groups and in such cases, it shall draw on the expertise of those working groups when establishing scientific opinions.

15. Procedure for Scientific Committee and Scientific Panel.

(1) The members of the Scientific Committee, who are not members of the Scientific Panel and the members of the Scientific Panel shall be appointed by the Food Authority, for a period of three years, which shall be renewable for such period, and the vacancy notice shall be published in the relevant leading scientific publications and on the Food Authority's website for a call for expressions of interest.

(2) The Scientific Committee and the Scientific Panel shall each choose a Chairperson from amongst their members.

(3) The Scientific Committee and the Scientific Panel shall act

by a majority of their members and the views of the members shall be recorded.

(4) The procedure for the operation and co-operation of the Scientific Committee and the Scientific Panel shall be specified by regulations.

(5) These procedures shall relate in particular to –

- (a) The number of times that a member can serve consecutively on a Scientific Committee or Scientific Panel;
- (b) the number of members in each Scientific Panel;
- (c) the procedure for re-imbursing the expenses of members of the Scientific Committee and the Scientific Panel;
- (d) the manner in which tasks and requests for scientific opinions are assigned to the Scientific Committee and the Scientific Panel;
- (e) The creation and organisation of the working groups of the Scientific Committee and the Scientific Panel, and the possibility of external experts being included in those working groups;
- (f) The possibility of observers being invited to meetings of the Scientific Committee and the Scientific Panel;
- (g) The possibility of organising public hearings; and
- (h) Quorum of the meeting, meeting notice, agenda of the meeting and such other matters.

16. Duties and functions of Food Authority.

(1) It shall be the duty of the Food Authority to regulate and monitor the manufacture, processing, distribution, sale and import of food so as to ensure safe and wholesome food.

(2) Without prejudice to the provisions of sub-section (1), the Food Authority may by regulations specify –

- (a) the standards and guidelines in relation to articles of food and specifying an appropriate system for enforcing various standards notified under this Act;
- (b) the limits for use of food additives, crop contaminants, pesticide residues, residues of veterinary drugs, heavy metals, processing aids, myco-toxins, antibiotics and pharmacological active substances and irradiation of food;
- (c) the mechanisms and guidelines for accreditation of certification bodies engaged in certification of food safety management systems for food businesses;
- (d) the procedure and the enforcement of quality control in relation to any article of food imported into India;
- (e) the procedure and guidelines for accreditation of laboratories and notification of the accredited laboratories;
- (f) the method of sampling, analysis and exchange of information among enforcement authorities;
- (g) conduct survey of enforcement and administration of this Act in the country;
- (h) food labelling standards including claims on health, nutrition, special dietary uses and food category systems for foods; and
- (i) the manner in which and the procedure subject to which risk analysis, risk assessment, risk communication and risk management shall be undertaken.

(3) The Food Authority shall also –

- (a) provide scientific advice and technical support to the Central Government and the State Governments in matters of framing the policy and rules in areas which have a direct

- or indirect bearing on food safety and nutrition;
- (b) search, collect, collate, analyse and summarise relevant scientific and technical data particularly relating to –
 - (i) food consumption and the exposure of individuals to risks related to the consumption of food;
 - (ii) incidence and prevalence of biological risk;
 - (iii) contaminants in food;
 - (iv) residues of various contaminants;
 - (v) identification of emerging risks; and
 - (vi) introduction of rapid alert system;
 - (c) promote, co-ordinate and issue guidelines for the development of risk assessment methodologies and monitor and conduct and forward messages on the health and nutritional risks of food to the Central Government, State Governments and Commissioners of Food Safety;
 - (d) provide scientific and technical advice and assistance to the Central Government and the State Governments in implementation of crisis management procedures with regard to food safety and to draw up a general plan for crisis management and work in close co-operation with the crisis unit set up by the Central Government in this regard;
 - (e) establish a system of network of organisations with the aim to facilitate a scientific co-operation framework by the co-ordination of activities, the exchange of information, the development and implementation of joint projects, the exchange of expertise and best practices in the fields within the Food Authority's responsibility;
 - (f) provide scientific and technical assistance to the Central Government and the State Governments for improving co-operation with international organisations;

- (g) take all such steps to ensure that the public, consumers, interested parties and all levels of panchayats receive rapid, reliable, objective and comprehensive information through appropriate methods and means;
 - (h) provide, whether within or outside their area, training programmes in food safety and standards for persons who are or intend to become involved in food businesses, whether as food business operators or employees or otherwise;
 - (i) undertake any other task assigned to it by the Central Government to carry out the objects of this Act;
 - (j) contribute to the development of international technical standards for food, sanitary and phyto-sanitary standards;
 - (k) contribute, where relevant and appropriate to the development of agreement on recognition of the equivalence of specific food related measures;
 - (l) promote co-ordination of work on food standards undertaken by international governmental and nongovernmental organisations;
 - (m) promote consistency between international technical standards and domestic food standards while ensuring that the level of protection adopted in the country is not reduced; and
 - (n) promote general awareness as to food safety and food standards.
- (4) The Food Authority shall make it public without undue delay
- (a) the opinions of the Scientific Committee and the Scientific Panel immediately after adoption;
 - (b) the annual declarations of interest made by members of the Food Authority, the Chief Executive Officer, members

of the Advisory Committee and members of the Scientific Committee and Scientific Panel, as well as the declarations of interest if any, made in relation to items on the agendas of meetings;

- (c) the results of its scientific studies; and
- (d) the annual report of its activities;

(5) The Food Authority may from time to time give such directions, on matters relating to food safety and standards, to the Commissioner of Food Safety, who shall be bound by such directions while exercising his powers under this Act;

(6) The Food Authority shall not disclose or cause to be disclosed to third parties confidential information that it receives for which confidential treatment has been requested and has been acceded, except for information which must be made public if circumstances so require, in order to protect public health.

17. Proceedings of Food Authority.

(1) The Food Authority shall meet at the head office or any of its offices at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be specified by regulations.

(2) If the Chairperson is unable to attend a meeting of the Food Authority, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination

or where there is no Chairperson, any Member chosen by the Members present from amongst themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the Food Authority shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or the person presiding over the meeting shall have the right to exercise a second or casting vote.

(4) All orders and decisions of the Food Authority shall be authenticated by the Chief Executive Officer.

(5) The Chief Executive Officer shall take part in the meetings of the Food Authority but without a right to vote.

(6) The Food Authority may invite the Chairperson of the Scientific Committee to attend its meetings but without a right to vote.

(7) No act or proceedings of the Food Authority shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the constitution of Food Authority

CHAPTER III GENERAL PRINCIPLES OF FOOD SAFETY

18. General principles to be followed in Administration of Act.

The Central Government, the State Governments, the Food Authority and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following principles namely:-

- (1) (a) endeavour to achieve an appropriate level of protection of human life and health and the protection of consumer's interests, including fair practices in all kinds of food trade with reference to food safety standards and practices;

- (b) carry out risk management which shall include taking into account the results of risk assessment and other factors which in the opinion of the Food Authority are relevant to the matter under consideration and where the conditions are relevant, in order to achieve the general objectives of regulations;
- (c) where in any specific circumstances, on the basis of assessment of available information, the possibility of harmful effects on health is identified but scientific uncertainty persists, provisional risk management measures necessary to ensure appropriate level of health protection may be adopted, pending further scientific information for a more comprehensive risk assessment;
- (d) the measures adopted on the basis of clause (c) shall be proportionate and no more restrictive of trade than is required to achieve appropriate level of health protection, regard being had to technical and economic feasibility and other factors regarded as reasonable and proper in the matter under consideration;
- (e) The measures adopted shall be reviewed within a reasonable period of time, depending on the nature of the risk to life or health being identified and the type of scientific information needed to clarify the scientific uncertainty and to conduct a more comprehensive risk assessment;
- (f) in cases where there are reasonable grounds to suspect that a food may present a risk for human health, then, depending on the nature, seriousness and extent of that risk, the Food Authority and the Commissioner of Food Safety shall take appropriate steps to inform the general public of the nature of the risk to health, identifying to the fullest extent possible the food or type of food, the risk that it may present, and the measures which are taken or about to be taken to prevent, reduce or eliminate that risk; and

(g) where any food which fails to comply with food safety requirements is part of a batch, lot or consignment of food of the same class or description, it shall be presumed until the contrary is proved, that all of the food in that batch, lot or consignment fails to comply with those requirements.

(2) The Food Authority shall, while framing regulations or specifying standards under this Act—

(a) take into account —

(i) prevalent practices and conditions in the country including agricultural practices and handling, storage and transport conditions; and

(ii) international standards and practices, where international standards or practices exist or are in the process of being formulated, unless it is of opinion that taking into account of such prevalent practices and conditions or international standards or practices or any particular part thereof would not be an effective or appropriate means for securing the objectives of such regulations or where there is a scientific justification or where they would result in a different level of protection from the one determined as appropriate in the country;

(b) determine food standards on the basis of risk analysis except where it is of opinion that such analysis is not appropriate to the circumstances or the nature of the case;

(c) undertake risk assessment based on the available scientific evidence and in an independent, objective and transparent manner;

(d) ensure that there is open and transparent public consultation, directly or through representative bodies including all levels of panchayats, during the preparation, evaluation and revision of regulations, except where it is of opinion

that there is an urgency concerning food safety or public health to make or amend the regulations in which case such consultation may be dispensed with :

Provided that such regulations shall be in force for not more than six months;

- (e) ensure protection of the interests of consumers and shall provide a basis for consumers to make informed choices in relation to the foods they consume;
- (f) ensure prevention of –
 - (i) fraudulent, deceptive or unfair trade practices which may mislead or harm the consumer; and
 - (ii) unsafe or contaminated or sub-standard food.

(3) The provisions of this Act shall not apply to any farmer or fisherman or farming operations or crops or livestock or aquaculture, and supplies used or produced in farming or products of crops produced by a farmer at farm level or a fisherman in his operations.

CHAPTER IV GENERAL PROVISIONS AS TO ARTICLES OF FOOD

19. Use of food additive or processing aid

No article of food shall contain any food additive or processing aid unless it is in accordance with the provisions of this Act and regulations made thereunder.

Explanation.– For the purposes of this section, “processing aid” means any substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, used in the processing of raw materials, foods or its ingredients to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of

residues or derivatives in the final product.

20. Contaminants, naturally occurring toxic substances, heavy metals, etc

No article of food shall contain any contaminant, naturally occurring toxic substances or toxins or hormone or heavy metals in excess of such quantities as may be specified by regulations.

21. Pesticides, veterinary drugs residues, antibiotic residues and microbiological counts

(1) No article of food shall contain insecticides or pesticides residues, veterinary drugs residues, antibiotic residues, solvent residues, pharmacological active substances and micro-biological counts in excess of such tolerance limit as may be specified by regulations.

(2) No insecticide shall be used directly on article of food except fumigants registered and approved under the Insecticides Act, 1968 (46 of 1968).

Explanation. – For the purposes of this section, –

(1) “pesticide residue” means any specified substance in food resulting from the use of a pesticide and includes any derivatives of a pesticide, such as conversion products, metabolites, reaction products and impurities considered to be of toxicological significance and also includes such residues coming into food from environment;

(2) “residues of veterinary drugs” include the parent compounds or their metabolites or both in any edible portion of any animal product and include residues of associated impurities of the veterinary drugs concerned.

22. Genetically modified foods, organic foods, functional foods, proprietary foods, etc.

Save as otherwise provided under this Act and regulations made thereunder, no person shall manufacture, distribute, sell or import any novel food, genetically modified articles of food, irradiated food, organic foods, foods for special dietary uses, functional foods, nutraceuticals, health supplements, proprietary foods and such other articles of food which the Central Government may notify in this behalf.

Explanation.— For the purposes of this section,—

(1) “foods for special dietary uses or functional foods or nutraceuticals or health supplements” means:

- (a) foods which are specially processed or formulated to satisfy particular dietary requirements which exist because of a particular physical or physiological condition or specific diseases and disorders and which are presented as such, wherein the composition of these foodstuffs must differ significantly from the composition of ordinary foods of comparable nature, if such ordinary foods exist, and may contain one or more of the following ingredients, namely:-
 - (i) plants or botanicals or their parts in the form of powder, concentrate or extract in water, ethyl alcohol or hydro alcoholic extract, single or in combination;
 - (ii) minerals or vitamins or proteins or metals or their compounds or amino acids (in amounts not exceeding the Recommended Daily Allowance for Indians) or enzymes (within permissible limits);
 - (iii) substances from animal origin;
 - (iv) a dietary substance for use by human beings to supplement the diet by increasing the total dietary intake;

- (b) (i) a product that is labelled as a “Food for special dietary uses or functional foods or nutraceuticals or health supplements or similar such foods” which is not represented for use as a conventional food and whereby such products may be formulated in the form of powders, granules, tablets, capsules, liquids, jelly and other dosage forms but not parenterals, and are meant for oral administration;
- (ii) such product does not include a drug as defined in clause (b) and ayurvedic, sidha and unani drugs as defined in clauses (a) and (h) of section 3 of the Drugs and Cosmetics Act, 1940 (23 of 1940) and rules made thereunder;
- (iii) does not claim to cure or mitigate any specific disease, disorder or condition (except for certain health benefit or such promotion claims) as may be permitted by the regulations made under this Act;
- (iv) does not include a narcotic drug or a psychotropic substance as defined in the Schedule of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) and rules made thereunder and substances listed in Schedules E and EI of the Drugs and Cosmetics Rules, 1945;

(2) “genetically engineered or modified food” means food and food ingredients composed of or containing genetically modified or engineered organisms obtained through modern biotechnology, or food and food ingredients produced from but not containing genetically modified or engineered organisms obtained through modern biotechnology;

(3) “organic food” means food products that have been produced in accordance with specified organic production standards;

(4) “proprietary and novel food” means an article of food for which standards have not been specified but is not unsafe:

Provided that such food does not contain any of the foods and ingredients prohibited under this Act and regulations made thereunder.

23. Packaging and labelling of foods.

(1) No person shall manufacture, distribute, sell or expose for sale or despatch or deliver to any agent or broker for the purpose of sale, any packaged food products which are not marked and labelled in the manner as may be specified by regulations:

Provided that the labels shall not contain any statement, claim, design or device which is false or misleading in any particular concerning the food products contained in the package or concerning the quantity or the nutritive value implying medicinal or therapeutic claims or in relation to the place of origin of the said food products.

(2) Every food business operator shall ensure that the labelling and presentation of food, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, does not mislead consumers.

24. Restrictions of advertisement and prohibition as to unfair trade practices.

(1) No advertisement shall be made of any food which is misleading or deceiving or contravenes the provisions of this Act, the rules and regulations made thereunder.

(2) No person shall engage himself in any unfair trade practice for purpose of promoting the sale, supply, use and consumption of articles of food or adopt any unfair or deceptive practice including the practice of making any statement, whether orally or in writing

or by visible representation which -

- (a) falsely represents that the foods are of a particular standard, quality, quantity or grade-composition;
- (b) makes a false or misleading representation concerning the need for, or the usefulness;
- (c) gives to the public any guarantee of the efficacy that is not based on an adequate or scientific justification thereof:

Provided that where a defence is raised to the effect that such guarantee is based on adequate or scientific justification, the burden of proof of such defence shall lie on the person raising such defence.

CHAPTER V PROVISIONS RELATING TO IMPORT

25. All imports of articles of food to be subject to this Act.

(1) No person shall import into India –

- (i) any unsafe or misbranded or sub-standard food or food containing extraneous matter;
- (ii) any article of food for the import of which a licence is required under any Act or rules or regulations, except in accordance with the conditions of the licence; and
- (iii) any article of food in contravention of any other provision of this Act or of any rule or regulation made thereunder or any other Act.

(2) The Central Government shall, while prohibiting, restricting or otherwise regulating import of article of food under the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), follow the standards laid down by the Food Authority under the provisions of this Act and the Rules and regulations made thereunder.

CHAPTER VI
SPECIAL RESPONSIBILITIES AS TO FOOD SAFETY

26. Responsibilities of the Food business operator.

(1) Every food business operator shall ensure that the articles of food satisfy the requirements of this Act and the rules and regulations made thereunder at all stages of production, processing, import, distribution and sale within the businesses under his control.

(2) No food business operator shall himself or by any person on his behalf manufacture, store, sell or distribute any article of food –

- (i) which is unsafe; or
- (ii) which is misbranded or sub-standard or contains extraneous matter; or
- (iii) for which a licence is required, except in accordance with the conditions of the licence; or
- (iv) which is for the time being prohibited by the Food Authority or the Central Government or the State Government in the interest of public health; or
- (v) in contravention of any other provision of this Act or of any rule or regulation made thereunder.

(3) No food business operator shall employ any person who is suffering from infectious, contagious or loathsome disease.

(4) No food business operator shall sell or offer for sale any article of food to any vendor unless he also gives a guarantee in writing in the form specified by regulations about the nature and quality of such article to the vendor:

Provided that a bill, cash memo, or invoice in respect of the sale of any article of food given by a food business operator to the

vendor shall be deemed to be a guarantee under this section, even if a guarantee in the specified form is not included in the bill, cash memo or invoice.

(5) Where any food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it shall be presumed that all the food in that batch, lot or consignment is also unsafe, unless following a detailed assessment within a specified time, it is found that there is no evidence that the rest of the batch, lot or consignment is unsafe:

Provided that any conformity of a food with specific provisions applicable to that food shall be without prejudice to the competent authorities taking appropriate measures to impose restrictions on that food being placed on the market or to require its withdrawal from the market for the reasons to be recorded in writing where such authorities suspect that, despite the conformity, the food is unsafe.

27. Liability of the manufacturers, packers, wholesalers, distributors and sellers

(1) The manufacturer or packer of an article of food shall be liable for such article of food if it does not meet the requirements of this Act and the rules and regulations made thereunder.

(2) The wholesaler or distributor shall be liable under this Act for any article of food which is—

- (a) Supplied after the date of its expiry; or
- (b) Stored or supplied in violation of the safety instructions of the manufacturer; or
- (c) Unsafe or misbranded; or
- (d) Unidentifiable of manufacturer from whom the article of food have been received; or

- (e) Stored or handled or kept in violation of the provisions of this Act, the rules and regulations made thereunder; or
- (f) received by him with knowledge of being unsafe.

(2) The seller shall be liable under this Act for any article of food which is –

- (a) sold after the date of its expiry; or
- (b) handled or kept in unhygienic conditions; or
- (c) misbranded; or
- (d) unidentifiable of the manufacturer or the distributors from whom such articles of food were received; or
- (e) received by him with knowledge of being unsafe.

28. Food recall procedures.

(1) If a food business operator considers or has reasons to believe that a food which he has processed, manufactured or distributed is not in compliance with this Act, or the rules or regulations, made thereunder, he shall immediately initiate procedures to withdraw the food in question from the market and consumers indicating reasons for its withdrawal and inform the competent authorities thereof.

(2) A food business operator shall immediately inform the competent authorities and co-operate with them, if he considers or has reasons to believe that a food which he has placed on the market may be unsafe for the consumers.

(3) The food business operator shall inform the competent authorities of the action taken to prevent risks to the consumer and shall not prevent or discourage any person from cooperating, in accordance with this Act, with the competent authorities, where this may prevent, reduce or eliminate a risk arising from a food.

(4) Every food business operator shall follow such conditions and guidelines relating to food recall procedures as the Food Authority may specify by regulations.

CHAPTER VII ENFORCEMENT OF THE ACT

29. Authorities responsible for enforcement of Act.

(1) The Food Authority and the State Food Safety Authorities shall be responsible for the enforcement of this Act.

(2) The Food Authority and the State Food Safety Authorities shall monitor and verify that the relevant requirements of law are fulfilled by food business operators at all stages of food business.

(3) The authorities shall maintain a system of control and other activities as appropriate to the circumstances, including public communication on food safety and risk, food safety surveillance and other monitoring activities covering all stages of food business.

(4) The Food Safety Officers shall enforce and execute within their area the provisions of this Act with respect to which the duty is not imposed expressly or by necessary implication on some other authority.

(5) The regulations under this Act shall specify which of the Food Safety Officers are to enforce and execute them, either generally or in relation to cases of a particular description or a particular area, and any such regulations or orders may provide for the giving of assistance and information by any authority concerned in the administration of the regulations or orders, or of any provisions of this Act, to any other authority so concerned, for the purposes of their respective duties under them.

(6) The Commissioner of Food Safety and Designated Officer shall exercise the same powers as are conferred on the Food Safety Officer and follow the same procedure specified in this Act.

30. Commissioner of Food Safety of the State.

(1) The State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations made thereunder.

(2) The Commissioner of Food Safety shall perform all or any of the following functions, namely:—

- (a) prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food, either in the whole of the State or any area or part thereof for such period, not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette;
- (b) carry out survey of the industrial units engaged in the manufacture or processing of food in the State to find out compliance by such units of the standards notified by the Food Authority for various articles of food;
- (c) conduct or organise training programmes for the personnel of the office of the Commissioner of Food Safety and, on a wider scale, for different segments of food chain for generating awareness on food safety;
- (d) ensure an efficient and uniform implementation of the standards and other requirements as specified and also ensure a high standard of objectivity, accountability, practicability, transparency and credibility;
- (e) sanction prosecution for offences punishable with imprisonment under this Act;

- (f) such other functions as the State Government may, in consultation with the Food Authority, prescribe.

(3) The Commissioner of Food Safety may, by Order, delegate, subject to such conditions and restrictions as may be specified in the Order, such of his powers and functions under this Act(except the power to appoint Designated Officer, Food Safety Officer and Food Analyst) as he may deem necessary or expedient to any officer subordinate to him.

31. Licensing and registration of food business.

(1) No person shall commence or carry on any food business except under a licence.

(2) Nothing contained in sub-section (1) shall apply to a petty manufacturer who himself manufactures or sells any article of food or a petty retailer, hawker, itinerant vendor or a temporary stall holder or small scale or cottage or such other industries relating to food business or tiny food business operator; but they shall register themselves with such authority and in such manner as may be specified by regulations, without prejudice to the availability of safe and wholesome food for human consumption or affecting the interests of the consumers.

(3) Any person desirous to commence or carry on any food business shall make an application for grant of a licence to the Designated Officer in such manner containing such particulars and fees as may be specified by regulations.

(4) The Designated Officer on receipt of an application under sub-section (3), may either grant the licence or after giving the applicant an opportunity of being heard and for reasons to be recorded in writing, refuse to grant a licence to any applicant, if he is satisfied that it is necessary so to do in the interest of public health

and shall make available to the applicant a copy of the order:

Provided that if a licence is not issued within two months from the date of making the application or his application is not rejected, the applicant may start his food business after expiry of the said period and in such a case, the Designated Officer shall not refuse to issue a licence but may, if he considers necessary, issue an improvement notice, under section 32 and follow procedures in that regard.

(5) Every licence shall be in such form and subject to such conditions as may be specified by regulations.

(6) A single licence may be issued by the Designated Officer for one or more articles of food and also for different establishments or premises in the same area.

(7) If the articles of food are manufactured, stored, sold or exhibited for sale at different premises situated in more than one area, separate applications shall be made and separate licence shall be issued in respect of such premises not falling within the same area.

(8) An appeal against the order of rejection for the grant of licence shall lie to the Commissioner of Food Safety.

(9) A licence unless suspended or cancelled earlier shall be in force for such period as may be specified by regulations: Provided that if an application for a renewal of licence is made before the expiry of the period of validity of the licence, the licence shall continue to be in force until orders are passed on the application.

(10) The licence shall subsist for the benefit of the deceased's personal representative or any other member of his family, until the expiry of –

- (a) the period of three months beginning with his death; or
- (b) such longer period as the Designated Officer may allow.

32. Improvement notices.

(1) If the Designated Officer has reasonable ground for believing that any food business operator has failed to comply with any regulations to which this section applies, he may, by a notice served on that food business operator (in this Act referred to as an “improvement notice”)–

- (a) state the grounds for believing that the food business operator has failed to comply with the regulations;
- (b) specify the matters which constitute the food business operator’s failure so to comply;
- (c) specify the measures which, in the opinion of the said Authority, the food business operator must take, in order to secure compliance; and
- (d) require the food business operator to take those measures, or measures which are at least equivalent to them, within a reasonable period (not being less than fourteen days) as may be specified in the notice.

(2) If the food business operator fails to comply with an improvement notice, his licence may be suspended.

(3) If the food business operator still fails to comply with the improvement notice, the Designated Officer may, after giving the licensee an opportunity to show cause, cancel the licence granted to him:

Provided that the Designated Officer may suspend any licence forthwith in the interest of public health for reasons to be recorded in writing.

- (4) Any person who is aggrieved by –
 - (a) an improvement notice; or
 - (b) refusal to issue a certificate as to improvement; or
 - (c) cancellation or suspension or revocation of licence under this Act, may appeal to the Commissioner of Food Safety whose decision thereon, shall be final.

(5) The period within which such an appeal may be brought shall be –

- (a) fifteen days from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) in the case of an appeal under sub-section (1), the said period or the period specified in the improvement notice, whichever expires earlier.

Explanation – For the purpose of this sub-section, the making of the complaint shall be deemed to be the bringing of the appeal.

33. Prohibition orders.

- (1) If –
 - (a) any food business operator is convicted of an offence under this Act; and
 - (b) the court by or before which he is so convicted is satisfied that the health risk exists with respect to that food business, the court, after giving the food business operator an opportunity of being heard, may by an order, impose the following prohibitions, namely:-
 - (i) a prohibition on the use of the process or treatment for the purposes of the food business;
 - (ii) a prohibition on the use of the premises or equipment

for the purposes of the food business or any other food business of the same class or description;

(iii) a prohibition on the use of the premises or equipment for the purposes of any food business.

(2) The court may, on being satisfied that it is necessary so to do, by an order, impose a prohibition on the food business operator participating in the management of any food business, or any food business of a class or description specified in the order.

(3) As soon as practicable after the making of an order under sub-section (1) or sub-section (2) (in this Act referred to as a “prohibition order”), the concerned Food Safety Officer shall

- (a) serve a copy of the order on the food business operator; and
- (b) in the case of an order under sub-section (1), affix a copy of the order at a conspicuous place on such premises used for the purposes of the food business, and any person who knowingly contravenes such an order shall be guilty of an offence and be punishable with a fine which may extend to three lakh rupees.

(4) The concerned Food Safety Officer shall with the approval of the Designated Officer issue a certificate to the effect that the food business operator has taken sufficient measures justifying lifting of the prohibition order, within seven days of his being satisfied on an application made by the food business operator for such a certificate or the said officer shall—

- (a) determine, as soon as is reasonably practicable and in any event within fourteen days, whether or not he is so satisfied; and
- (b) if he determines that he is not so satisfied, give notice to the food business operator of the reasons for that determination.

(5) A prohibition order shall cease to have effect upon the court being satisfied, on an application made by the food business operator not less than six months after the prohibition order has been passed, that the food business operator has taken sufficient measures justifying the lifting of the prohibition order.

(6) The court shall give a direction on an application by the food business operator, if the court thinks it proper so to do having regard to all the circumstances of the case, including in particular, the conduct of the food business operator since the making of the order; but no such application shall be entertained if it is not made –

- (a) within six months after the making of the prohibition order;
or
- (b) within three months after the making by the food business operator of a previous application for such a direction.

Explanation – For the purpose of this section,–

- (i) any reference above shall apply in relation to a manager of a food business as it applies in relation to the food business operator; and any reference to the food business operator of the business, or to the food business operator, shall be construed accordingly;
- (ii) “manager”, in relation to a food business, means any person who is entrusted by the food business operator with the day-to-day running of the business, or any part of the business.

34. Emergency prohibition notices and orders.

(1) If the Designated Officer is satisfied that the health risk condition exists with respect to any food business, he may, after a notice served on the food business operator (in this Act referred to as an ‘emergency prohibition notice’), apply to the Commissioner

of Food Safety for imposing the prohibition.

(2) If the Commissioner of Food Safety is satisfied, on the application of such an officer, that the health risk condition exists with respect to any food business, he shall, by an order, impose the prohibition.

(3) The Designated Officer shall not apply for an emergency prohibition order unless, at least one day before the date of the application, he has served notice on the food business operator of the business of his intention to apply for the order.

(4) As soon as practicable after the making of an emergency prohibition order, the Designated Officer shall require the Food Safety Officer to –

- (a) serve a copy of the order on the food business operator of the business; or
- (b) affix a copy of the order at a conspicuous place on such premises used for the purposes of that business; and any person who knowingly contravenes such an order shall be guilty of an offence and shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to two lakh rupees.

(5) An emergency prohibition order shall cease to have effect on the issue by the Designated Officer of a certificate to the effect that he is satisfied that the food business operator has taken sufficient measures for justifying the lifting of such order.

(6) The Designated Officer shall issue a certificate under subsection (5) within seven days of an application by the food business operator for such a certificate and on his being not satisfied, the said officer shall give notice to the food business operator within a period of ten days indicating the reasons for such decision.

35. Notification of food poisoning.

The Food Authority may, by notification, require registered medical practitioners carrying on their profession in any local area specified in the notification, to report all occurrences of food poisoning coming to their notice to such officer as may be specified.

36. Designated Officer.

(1) The Commissioner of Food Safety shall, by order, appoint the Designated Officer, who shall not be below the rank of a Sub-Divisional Officer, to be in-charge of food safety administration in such area as may be specified by regulations.

(2) There shall be a Designated Officer for each district.

(3) The functions to be performed by the Designated Officer shall be as follows, namely :—

- (a) to issue or cancel licence of food business operators;
- (b) to prohibit the sale of any article of food which is in contravention of the provisions of this Act and rules and regulations made thereunder;
- (c) to receive report and samples of article of foods from Food Safety Officer under his jurisdiction and get them analysed;
- (d) to make recommendations to the Commissioner of Food Safety for sanction to launch prosecutions in case of contraventions punishable with imprisonment;
- (e) to sanction or launch prosecutions in cases of contraventions punishable with fine;
- (f) to maintain record of all inspections made by Food Safety Officers and action taken by them in the performance of their duties;

- (g) to get investigated any complaint which may be made in writing in respect of any contravention of the provisions of this Act and the rules and regulations made thereunder;
- (h) to investigate any complaint which may be made in writing against the Food Safety Officer; and
- (i) to perform such other duties as may be entrusted by the Commissioner of Food Safety.

37. Food Safety Officer.

(1) The Commissioner of Food Safety shall, by notification, appoint such persons as he thinks fit, having the qualifications prescribed by the Central Government, as Food Safety Officers for such local areas as he may assign to them for the purpose of performing functions under this Act and the rules and regulations made thereunder.

(2) The State Government may authorise any officer of the State Government having the qualifications prescribed under subsection (1) to perform the functions of a Food Safety Officer within a specified jurisdiction.

38. Powers of Food Safety Officer.

(1) The Food Safety Officer may –

(a) take a sample –

(i) of any food, or any substance, which appears to him to be intended for sale, or to have been sold for human consumption; or

(ii) of any article of food or substance which is found by him on or in any such premises; which he has reason to believe that it may be required as evidence in proceedings under any of the provisions of this Act or of the regulations

or orders made thereunder; or

- (b) seize any article of food which appears to the Food Safety Officer to be in contravention of this Act or the regulations made thereunder; and
- (c) keep it in the safe custody of the food business operator such article of food after taking a sample; and in both cases send the same for analysis to a Food Analyst for the local area within which such sample has been taken:

Provided that where the Food Safety Officer keeps such article in the safe custody of the food business operator, he may require the food business operator to execute a bond for a sum of money equal to the value of such article with one or more sureties as the Food Safety Officer deems fit and the food business operator shall execute the bond accordingly.

(2) The Food Safety Officer may enter and inspect any place where the article of food is manufactured, or stored for sale, or stored for the manufacture of any other article of food, or exposed or exhibited for sale and where any adulterant is manufactured or kept, and take samples of such articles of food or adulterant for analysis.

(3) Where any sample is taken, its cost calculated at the rate at which the article is usually sold to the public shall be paid to the person from whom it is taken.

(4) Where any article of food seized under clause (b) of subsection (1) is of a perishable nature and the Food Safety Officer is satisfied that such article of food is so deteriorated that it is unfit for human consumption, the Food Safety Officer may, after giving notice in writing to the food business operator, cause the same to be destroyed.

(5) The Food Safety Officer shall, in exercising the powers of

entry upon, and inspection of any place under this section, follow, as far as may be, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to the search or inspection of a place by a police officer executing a search warrant issued under that Code.

(6) Any adulterant found in the possession of a manufacturer or distributor of, or dealer in, any article of food or in any of the premises occupied by him as such and for the possession of which he is unable to account to the satisfaction of the Food Safety Officer and any books of account or other documents found in his possession or control and which would be useful for, or relevant to, any investigation or proceeding under this Act, may be seized by the Food Safety Officer and a sample of such adulterant submitted for analysis to a Food Analyst:

Provided that no such books of account or other documents shall be seized by the Food Safety Officer except with the previous approval of the authority to which he is subordinate.

(7) Where the Food Safety Officer takes any action under clause (a) of sub-section (1), or sub-section (2), or sub-section (4) or sub-section (6), he shall, call one or more persons to be present at the time when such action is taken and take his or their signatures.

(8) Where any books of account or other documents are seized under sub-section (6), the Food Safety Officer shall, within a period not exceeding thirty days from the date of seizure, return the same to the person from whom they were seized after copies thereof or extracts there from as certified by that person in such manner as may be prescribed by the Central Government have been taken:

Provided that where such person refuses to so certify and a prosecution has been instituted against him under this Act, such books of account or other documents shall be returned to him only after copies thereof and extracts there from as certified by the court

have been taken.

(9) When any adulterant is seized under sub-section (6), the burden of proving that such adulterant is not meant for purposes of adulteration shall be on the person from whose possession such adulterant was seized.

(10) The Commissioner of Food Safety may from time to time issue guidelines with regard to exercise of powers of the Food Safety Officer, which shall be binding:

Provided that the powers of such Food Safety Officer may also be revoked for a specified period by the Commissioner of Food Safety.

39. Liability of Food Safety Officer in certain cases.

Any Food Safety Officer exercising powers under this Act or the rules and regulations made thereunder who –

- (a) vexatiously and without any reasonable ground seizes any article of food or adulterant; or
- (b) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty. shall be guilty of an offence under this Act and shall be liable to a penalty which may extend to one lakh rupees:

Provided that in case any false complaint is made against a Food Safety Officer and it is proved so, the complainant shall be guilty of an offence under this Act and shall be punishable with fine which shall not be less than fifty thousand rupees but may extend to one lakh rupees.

40. Purchaser may have food analysed.

(1) Nothing contained in this Act shall be held to prevent a purchaser of any article of food other than a Food Safety Officer from having such article analysed by the Food Analyst on payment of such fees and receiving from the Food Analyst a report of his analysis within such period as may be specified by regulations:

Provided that such purchaser shall inform the food business operator at the time of purchase of his intention to have such article so analysed:

Provided further that if the report of the Food Analyst shows that the article of food is not in compliance with the Act or the rules or regulations made thereunder, the purchaser shall be entitled to get refund of the fees paid by him under this section.

(2) In case the Food Analyst finds the sample in contravention of the provisions of this Act and rules and regulations made thereunder, the Food Analysts shall forward the report to the Designated Officer to follow the procedure laid down in section 42 for prosecution.

41. Power of search, seizure, investigation, prosecution and procedure thereof

(1) Notwithstanding anything contained in sub-section (2) of section 31, the Food Safety Officer may search any place, seize any article of food or adulterant, if there is a reasonable doubt about them being involved in commission of any offence relating to food, and shall thereafter inform the Designated Officer of the actions taken by him in writing:

Provided that no search shall be deemed to be irregular by reason only of the fact that witnesses for the search are not inhabitants of the locality in which the place searched is situated.

(2) Save as in this Act otherwise expressly provided, provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search, seizure, summon, investigation and prosecution, shall apply, as far as may be, to all action taken by the Food Safety Officer under this Act.

42. Procedure for launching prosecution.

(1) The Food Safety Officer shall be responsible for inspection of food business, drawing samples and sending them to Food Analyst for analysis.

(2) The Food Analyst after receiving the sample from the Food Safety Officer shall analyse the sample and send the analysis report mentioning method of sampling and analysis within fourteen days to Designated Officer with a copy to Commissioner of Food Safety.

(3) The Designated Officer after scrutiny of the report of Food Analyst shall decide as to whether the contravention is punishable with imprisonment or fine only and in the case of contravention punishable with imprisonment, he shall send his recommendations within fourteen days to the Commissioner of Food Safety for sanctioning prosecution.

(4) The Commissioner of Food Safety shall, if he so deems fit decide, within the period prescribed by the Central Government, as per the gravity of offence, whether the matter be referred to,—

- (a) a court of ordinary jurisdiction in case of offences punishable with imprisonment for a term up to three years; or
- (b) a Special Court in case of offences punishable with imprisonment for a term exceeding three years where such Special Court is established and in case no Special Court is established, such cases shall be tried by a Court of ordinary jurisdiction.

(5) The Commissioner of Food Safety shall communicate his decision to the Designated Officer and the concerned Food Safety Officer who shall launch prosecution before courts of ordinary jurisdiction or Special Court, as the case may be; and such communication shall also be sent to the purchaser if the sample was taken under section 40.

CHAPTER VIII ANALYSIS OF FOOD

43. Recognition and accreditation of laboratories, research institutions and referral food laboratory

(1) The Food Authority may notify food laboratories and research institutions accredited by National Accreditation Board for Testing and Calibration Laboratories or any other accreditation agency for the purposes of carrying out analysis of samples by the Food Analysts under this Act.

(2) The Food Authority shall, establish or recognise by notification, one or more referral food laboratory or laboratories to carry out the functions entrusted to the referral food laboratory by this Act or any rules and regulations made thereunder.

(3) The Food Authority may frame regulations specifying –

- (a) The functions of food laboratory and referral food laboratory and the local area or areas within which such functions may be carried out;
- (b) The procedure for submission to the said laboratory of samples of articles of food for analysis or tests, the forms of the laboratory's reports thereon and the fees payable in respect of such reports; and
- (c) Such other matters as may be necessary or expedient to enable the said laboratory to carry out its functions effectively.

44. Recognition of organisation or agency for food safety audit.

The Food Authority may recognise any organisation or agency for the purposes of food safety audit and checking compliance with food safety management systems required under this Act or the rules and regulations made thereunder.

45. Food Analysts.

The Commissioner of Food Safety may, by notification, appoint such persons as he thinks fit, having the qualifications prescribed by the Central Government, to be Food Analysts for such local areas as may be assigned to them by the Commissioner of Food Safety:

Provided that no person, who has any financial interest in the manufacture or sale of any article of food shall be appointed to be a Food Analyst under this section:

Provided further that different Food Analysts may be appointed for different articles of food.

46. Functions of Food Analyst.

(1) On receipt of a package containing a sample for analysis from a Food Safety Officer or any other person, the Food Analyst shall compare the seal on the container and the outer cover with specimen impression received separately and shall note the conditions of the seal thereon:

Provided that in case a sample container received by the Food Analyst is found to be in broken condition or unfit for analysis, he shall within a period of seven days from the date of receipt of such sample inform the Designated Officer about the same and send requisition to him for sending second part of the sample.

(2) The Food Analyst shall cause to be analysed such samples of article of food as may be sent to him by Food Safety Officer or by any other person authorised under this Act.

(3) The Food Analyst shall, within a period of fourteen days from the date of receipt of any sample for analysis, send—

- (i) where such sample is received under section 38 or section 47, to the Designated Officer, four copies of the report indicating the method of sampling and analysis; and
- (ii) where such sample is received under section 40, a copy of the report indicating the method of sampling and analysis to the person who had purchased such article of food with a copy to the Designated Officer:

Provided that in case the sample cannot be analysed within fourteen days of its receipt, the Food Analyst shall inform the Designated Officer and the Commissioner of Food Safety giving reasons and specifying the time to be taken for analysis.

(4) An appeal against the report of Food Analyst shall lie before the Designated Officer who shall, if he so decides, refer the matter to the referral food laboratory as notified by the Food Authority for opinion.

47. Sampling and analysis.

(1) When a Food Safety Officer takes a sample of food for analysis, he shall –

- (a) give notice in writing of his intention to have it so analysed to the person from whom he has taken the sample and to the person, if any, whose name, address and other particulars have been disclosed;
- (b) except in special cases as may be provided by rules made

under this Act, divide the sample into four parts and mark and seal or fasten up each part in such a manner as its nature permits and take the signature or thumb impression Of the person from whom the sample has been taken in such place and in such manner as may be prescribed by the Central Government:

Provided that where such person refuses to sign or put his thumb impression, the Food Safety Officer shall call upon one or more witnesses and take his signature or thumb impression, in lieu of the signature or thumb impression of such person;

- (c) (i) send one of the parts for analysis to the Food Analyst under intimation to the Designated Officer;
- (ii) send two parts to the Designated Officer for keeping these in safe custody; and
- (iii) send the remaining part for analysis to an accredited laboratory, if so requested by the food business operator, under intimation to the Designated Officer:

Provided that if the test reports received under sub clauses (i) and (iii) are found to be at variance, then the Designated Officer shall send one part of the sample kept in his custody, to referral laboratory for analysis, whose decision thereon shall be final.

(2) When a sample of any article of food or adulterant is taken, the Food Safety Officer shall, by the immediate succeeding working day, send the sample to the Food Analyst for the area concerned for analysis and report.

(3) Where the part of the sample sent to the Food Analyst is lost or damaged, the Designated Officer shall, on a requisition made to him, by the Food Analyst or the Food Safety Officer, despatch one of the parts of the sample sent to him, to the Food Analyst for analysis.

(4) An article of food or adulterant seized, unless destroyed, shall be produced before the Designated Officer as soon as possible and in any case not later than seven days after the receipt of the report of the Food Analyst:

Provided that if an application is made to the Designated Officer in this behalf by the person from whom any article of food has been seized, the Designated Officer shall by order in writing direct the Food Safety Officer to produce such article before him within such time as may be specified in the order.

(5) In case of imported articles of food, the authorised officer of the Food Authority shall take its sample and send to the Food Analyst of notified laboratory for analysis who shall send the report within a period of five days to the authorised officer.

(6) The Designated Officer, the Food Safety Officer, the authorised officer and the Food Analyst shall follow such procedure as may be specified by regulations.

CHAPTER IX OFFENCES AND PENALTIES

48. General provisions relating to offences.

(1) A person may render any article of food injurious to health by means of one or more of the following operations, namely:-

- (a) adding any article or substance to the food;
- (b) using any article or substance as an ingredient in the preparation of the food;
- (c) abstracting any constituents from the food; or
- (d) subjecting the food to any other process or treatment, with the knowledge that it may be sold or offered for sale or

distributed for human consumption.

(2) In determining whether any food is unsafe or injurious to health, regard shall be had to –

- (a) (i) the normal conditions of use of the food by the consumer and its handling at each stage of production, processing and distribution;
- (ii) the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods not only to the probable, immediate or short-term or long-term effects of that food on the health of a person consuming it, but also on subsequent generations;
- (iii) to the probable cumulative toxic effects;
- (iv) to the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers; and
- (v) also to the probable cumulative effect of food of substantially the same composition on the health of a person consuming it in ordinary quantities;
- (b) the fact where the quality or purity of the article, being primary food, has fallen below the specified standard or its constituents are present in quantities not within the specified limits of variability, in either case, solely due to natural causes and beyond the control of human agency, then such article shall not be deemed to be unsafe or sub-standard or food containing extraneous matter.

Explanation – For the purposes of this section, “injury”, includes any impairment, whether permanent or temporary, and “Injurious to health” shall be construed accordingly.

49. General provisions relating to penalty.

While adjudging the quantum of penalty under this Chapter, the Adjudicating Officer or the Tribunal, as the case may be, shall have due regard to the following:-

- (a) The amount of gain or unfair advantage, wherever quantifiable, made as a result of the contravention,
- (b) The Amount of loss caused or likely to cause to any person as a result of the contravention,
- (c) The repetitive nature of the contravention,
- (d) Whether the contravention is without his knowledge, and
- (e) Any other relevant factor,

50. Penalty for selling food not of the nature or substance or quality demanded.

Any person who sells to the purchaser's prejudice any food which is not in compliance with the provisions of this Act or the regulations made thereunder, or of the nature or substance or quality demanded by the purchaser, shall be liable to a penalty not exceeding five lakh rupees.

Provided that the persons covered under sub-section (2) of section 31, shall for such non-compliance be liable to a penalty not exceeding twenty five thousand rupees.

51. Penalty for sub-standard food.

Any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is sub-standard, shall be liable to a penalty which may extend to five lakh rupees.

52. Penalty for misbranded food.

(1) Any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is misbranded, shall be liable to a penalty which may extend to three lakh rupees.

(2) The Adjudicating Officer may issue a direction to the person found guilty of an offence under this section, for taking corrective action to rectify the mistake or such article of food shall be destroyed.

53. Penalty for misleading advertisement.

which—

Any person who publishes, or is a party to the publication of an advertisement,

- (a) falsely describes any food; or
- (b) is likely to mislead as to the nature or substance or quality of any food or gives false guarantee, shall be liable to a penalty which may extend to ten lakh rupees.

(2) In any proceeding the fact that a label or advertisement relating to any article of food in respect of which the contravention is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the contravention was committed.

54. Penalty for food containing extraneous matter.

Any person whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption containing

extraneous matter, shall be liable to a penalty which may extend to one lakh rupees.

55. Penalty for failure to comply with the directions of Food Safety Officer.

If a food business operator or importer without reasonable ground, fails to comply with the requirements of this Act or the rules or regulations or orders issued thereunder, as directed by the Food Safety Officer, he shall be liable to a penalty which may extend to two lakh rupees.

56. Penalty for unhygienic or unsanitary processing or manufacturing of food.

Any person who, whether by himself or by any other person on his behalf, manufactures or processes any article of food for human consumption under unhygienic or unsanitary conditions, shall be liable to a penalty which may extend to one lakh rupees.

57. Penalty for possessing adulterant.

(1) Subject to the provisions of this chapter, if any person who whether by himself or by any other person on his behalf, imports or manufactures for sale, or stores, sells or distribute any adulterant shall be liable –

- (i) where such adulterant is not injurious to health, to a penalty not exceeding two lakh rupees;
- (ii) where such adulterant is injurious to health, to a penalty not exceeding ten lakh rupees.

(2) In a proceeding under sub-section (1), it shall not be a defence that the accused was holding such adulterant on behalf of any other person.

58. Penalty for contraventions for which no specific penalty is provided.

Whoever contravenes any provisions of this Act or the rules or regulations made thereunder, for the contravention of which no penalty has been separately provided in this Chapter, shall be liable to a penalty which may extend to two lakh rupees.

59. Punishment for unsafe food.

Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable,—

- (i) where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;
- (ii) where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;
- (iii) where such failure or contravention results in a grievous injury, with imprisonment for a term which may extend to six years and also with fine which may extend to five lakh rupees;
- (iv) where such failure or contravention results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh Rupees.

60. Punishment for interfering with seized items.

If a person without the permission of the Food Safety Officer, retains, removes or tampers with any food, vehicle, equipment, package or labelling or advertising material or other thing that has been seized under this Act, he shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to two lakh rupees.

61. Punishment for false information.

If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees.

62. Punishment for obstructing or impersonating a Food Safety Officer.

If a person without reasonable excuse, resists, obstructs, or attempts to obstruct, impersonate, threaten, intimidate or assault a Food Safety Officer in exercising his functions under this Act, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to one lakh rupees.

63. Punishment for carrying out a business without licence.

If any person or food business operator (except the persons exempted from licensing under sub-section (2) of section 31 of this Act), himself or by any person on his behalf who is required to obtain licence, manufacturers, sells, stores or distributes or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also

with a fine which may extend to five lakh rupees.

64. Punishment for subsequent offences.

(1) If any person, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—

- (i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence;
- (ii) a further fine on daily basis which may extend up to one lakh rupees, where the offence is a continuing one; and
- (iii) his licence shall be cancelled.

(2) The Court may also cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

65. Compensation in case injury of death of consumer

(1) Without prejudice to the other provisions of this Chapter, if any person whether by himself or by any other person on his behalf, manufactures or distributes or sells or imports any article of food causing injury to the consumer or his death, it shall be lawful for the Adjudicating Officer or as the case may be, the court to direct him to pay compensation to the victim or the legal representative of the victim, a sum—

- (a) not less than five lakh rupees in case of death;
- (b) not exceeding three lakh rupees in case of grievous injury; and

- (c) not exceeding one lakh rupees, in all other cases of injury:

Provided that the compensation shall be paid at the earliest and in no case later than six months from the date of occurrence of the incident:

Provided further that in case of death, an interim relief shall be paid to the next of the kin within thirty days of the incident.

(2) Where any person is held guilty of an offence leading to grievous injury or death, the Adjudicating Officer or the court may cause the name and place of residence of the person held guilty, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the Adjudicating Officer or the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

(3) The Adjudicating Officer or the court may also,—

- (a) order for cancellation of licence, re-call of food from market, forfeiture of establishment and property in case of grievous injury or death of consumer;
- (b) issue prohibition orders in other cases.

66. Offences by companies.

(1) Where an offence under this Act which has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that where a company has different establishments

or branches or different units in any establishment or branch, the concerned Head or the person in-charge of such establishment, branch, unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment, branch or unit:

Provided further that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm, means a partner in the firm.

67. Penalty for contravention of provisions of this Act in case of import of articles of food to be in addition to penalties provided under any other Act.

(1) Any person who imports any article of food which is in contravention of the provisions of this Act, rules and regulations made thereunder, shall, in addition to any penalty to which he may be liable under the provisions of the Foreign Trade (Development

and Regulation) Act, 1992 (22 of 1992) and the Customs Act, 1962 (52 of 1962) be also liable under this Act and shall be proceeded against accordingly.

(2) Any such article of food shall be destroyed or returned to the importer, if permitted by the competent authority under the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or the Customs Act, 1962 (52 of 1962), or any other Act, as the case may be.

CHAPTER X

ADJUDICATION AND FOOD SAFETY APPELLATE TRIBUNAL

68. Adjudication.

(1) For the purposes of adjudication under this Chapter, an officer not below the rank of Additional District Magistrate of the district where the alleged offence is committed, shall be notified by the State Government as the Adjudicating Officer for adjudication in the manner as may be prescribed by the Central Government.

(2) The Adjudicating Officer shall, after giving the person a reasonable opportunity for making representation in the matter, and if, on such inquiry, he is satisfied that the person has committed the contravention of provisions of this Act or the rules or the regulations made thereunder, impose such penalty as he thinks fit in accordance with the provisions relating to that offence.

(3) The Adjudicating Officer shall have the powers of a civil court and—

- (a) all proceedings before him shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860);
- (b) shall be deemed to be a court for the purposes of sections

345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) while adjudicating the quantum of penalty under this Chapter, the Adjudicating Officer shall have due regard to the guidelines specified in section 49.

69. Power to compound offences.

(1) The Commissioner of Food Safety may, by order, empower the Designated Officer, to accept from petty manufacturers who himself manufacture and sell any article of food, retailers, hawkers, itinerant vendors, temporary stall holders against whom a reasonable belief exists that he has committed an offence or contravention against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

(2) On the payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

(4) The sum of money accepted or agreed to be accepted as composition under sub section (1), shall not be more than one lakh rupees and due regard shall be made to the guidelines specified in section 49:

Provided that no offence, for which punishment of imprisonment has been prescribed under this Act, shall be compounded.

70. Establishment of Food Safety Appellate Tribunal.

(1) The Central Government or as the case may be, the State Government may, by notification, establish one or more tribunals to be known as the Food Safety Appellate Tribunal to hear appeals

from the decisions of the Adjudicating Officer under section 68.

(2) The Central Government or the State Government, as the case may be, shall prescribe, the matters and areas in relation to which the Tribunal may exercise jurisdiction.

(3) The Tribunal shall consist of one person only (hereinafter referred to as the Presiding Officer of the Tribunal) to be appointed, by notification, by the Central Government or the State Government, as the case may be:

Provided that no person shall be qualified for appointment as a Presiding Officer to the Tribunal unless he is or has been a District Judge.

(4) The qualifications, appointment, term of office, salary and allowances, resignation and removal of the Presiding Officer shall be such as may be prescribed by the Central Government.

(5) The procedure of appeal and powers of the Tribunal shall be such as may be prescribed by the Central Government.

71. Procedure and powers of the Tribunal.

(1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and the rules made thereunder, the Tribunal shall have powers to regulate its own procedure including the place at which it shall have its sittings.

(2) The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents or other electronic records;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) reviewing its decisions;
- (f) dismissing an application for default or deciding it ex parte;
- (g) any other matter which may be prescribed by the Central Government.

(3) Every proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code (45 of 1860), it shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(4) The appellant may either appear in person or authorise one or more legal practitioners or any of its officers to represent his case before the Tribunal.

(5) The provisions of the Limitation Act, 1963 (36 of 1963), shall, except as otherwise provided in this Act, apply to an appeal made to the Tribunal.

(6) Any person aggrieved by any decision or order of the Tribunal may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Tribunal to him on any question of fact or law arising out of such order:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

72. Civil court not to have jurisdiction.

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Adjudicating Officer or the Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

73. Power of court to try cases summarily.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences not triable by a Special Court, shall be tried in a summary way by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such a trial:

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner

provided by the said Code.

74. Special courts and Public Prosecutor.

1) Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government or the State Government in their respective jurisdictions may, if consider expedient and necessary in the public interest, for the purposes of the trial of offences relating to grievous injury or death of the consumer for which punishment of imprisonment for more than three years has been prescribed under this Act, constitute, by notification in the Official Gazette, as many Special Courts with the concurrence of the Chief Justice of the High Court as may be necessary for such area or areas and for exercising such jurisdiction, as may be specified in the notification.

(2) A Special Court may, on its own motion, or on an application made by the Public Prosecutor and if it considers it expedient or desirable so to do, sit for any of its proceedings at any place other than its ordinary place of sitting.

(3) The trial under this Act of any offence by a Special Court shall have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall remain in abeyance.

(4) For every Special Court, the Central Government or the State Government, as the case may be, shall appoint a person to be the Public Prosecutor and may appoint more than one person to be the Additional Public Prosecutors:

Provided that the Central Government or the State Government, as the case may be, may also appoint for any case or class or group of cases, a Special Public Prosecutor.

(5) A person shall not be qualified to be appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

75. Power to transfer cases to regular courts.

Where, after taking cognizance of any offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any court having jurisdiction under the Code of Criminal Procedure, 1973 (2 of 1974) and the court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

76. Appeal.

(1) Any person aggrieved by a decision or order of a Special Court may, on payment of such fee as may be prescribed by the Central Government and after depositing the amount, if any, imposed by way of penalty, compensation or damage under this Act, within forty-five days from the date on which the order was served, prefer an appeal to the High Court:

Provided that the High Court may entertain any appeal after the expiry of the said period of forty-five days, if it is satisfied that the appellant was prevented by sufficient cause for filing the appeal within the said period.

(2) An appeal preferred under this section shall be disposed of by the High Court by a bench of not less than two judges.

77. Time limit for prosecutions.

Notwithstanding anything contained in this Act, no court shall take cognizance of an offence under this Act after the expiry of the period of one year from the date of commission of an offence:

Provided that the Commissioner of Food Safety may, for reasons to be recorded in writing, approve prosecution within an extended period of up to three years.

78. Power of court to implead manufacturer etc.

Where at any time during the trial of any offence under this Act alleged to have been committed by any person, not being the importer, manufacturer, distributor or dealer of any article of food, the court, is satisfied, on the evidence adduced before it, that such importer, manufacturer, distributor or dealer is also concerned with that offence, then the court may, notwithstanding anything contained in sub-section (3) of section 319 of the Code of Criminal Procedure, 1973 (2 of 1974), or in section 71 of this Act, proceed against him as though a prosecution has been instituted under this Act.

79. Magistrate's power to impose enhanced punishment.

Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for the court of ordinary jurisdiction to pass any sentence authorised by this Act, except a sentence of imprisonment for a term exceeding six years in excess of his powers under the said section.

80. Defences which may or may not be allowed in prosecution under this Act.

(A) Defence relating to publication of advertisements

(1) In any proceeding for an offence under this Act in relation to the publication of an advertisement, it is a defence for a person to prove that the person carried on the business of publishing or arranging for the publication of advertisements and that the person published or arranged for the publication of the advertisement in question in the ordinary course of that business.

(2) Clause (1) does not apply if the person—

- (a) should reasonably have known that the publication of the advertisement was an offence; or
- (b) had previously been informed in writing by the relevant authority that publication of such an advertisement would constitute an offence; or
- (c) is the food business operator or is otherwise engaged in the conduct of a food business for which the advertisements concerned were published.

(B) Defence of due diligence—

(1) In any proceedings for an offence, it is a defence if it is proved that the person took all reasonable precautions and exercised all due diligence to prevent the commission of the offence by such person or by another person under the person's control.

(2) Without limiting the ways in which a person may satisfy the requirements of clause (1), a person satisfies those requirements if it is proved—

- (a) that the commission of the offence was due to—
 - (i) an act or default of another person; or
 - (ii) reliance on information supplied by another person; and
- (b) (i) the person carried out all such checks of the food

concerned as were reasonable in all the circumstances; or

(ii) it was reasonable in all the circumstances to rely on checks carried out by the person who supplied such food to the person; and

(c) that the person did not import the food into the jurisdiction from another country; and

(d) in the case of an offence involving the sale of food, that—

(i) the person sold the food in the same condition as and when the person purchased it; or

(ii) the person sold the food in a different condition to that in which the person purchased it, but that the difference did not result in any contravention of this Act or the rules and regulations made thereunder; and

(e) that the person did not know and had no reason to suspect at the time of commission of the alleged offence that the person's act or omission would constitute an offence under the relevant section.

(3) In sub-clause (a) of clause (2), another person does not include a person who was—

(a) an employee or agent of the defendant; or

(b) in the case of a defendant which is a company, a director, employee or agent of that company.

(5) Without limiting the ways in which a person may satisfy the requirements of clause (1) and item (i) of sub-clause (b) of clause (2), a person may satisfy those requirements by proving that—

(a) in the case of an offence relating to a food business for which a food safety programme is required to be prepared in accordance with the regulations, the person complied with a food safety programme for the food business s that

complies with the requirements of the regulations, or

- (b) In any other case, the person complied with a scheme (for example, a quality assurance programme or an industry code of practice) that was—
 - (i) Designed to manage food safety hazards and based on national or international standards, codes or guidelines designed for that purpose, and
 - (ii) Documented in some manner.

(C) Defence of mistaken and reasonable belief not available—

In any proceedings for an offence under the provisions of this Act, it is no defence that the defendant had a mistaken but reasonable belief as to the facts that constituted the offence.

(D) Defence in respect of handling food—

In proceedings for an offence under section 56, it is a defence if it is proved that the person caused the food to which the offence relates to be destroyed or otherwise disposed of immediately after the food was handled in the manner that was likely to render it unsafe.

(E) Defences of significance of the nature, substance or quality of food—

It shall be no defence in a prosecution for an offence pertaining to the sale of any unsafe or misbranded article of food to allege merely that the food business operator was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having purchased any article for analysis was not prejudiced by the sale.

CHAPTER XI
FINANCE, ACCOUNTS, AUDIT AND REPORTS

81. Budget of Food Authority.

(1) The Food Authority shall prepare, in such form and at such time in each financial year as may be prescribed by the Central Government, its budget for the next financial year, showing the estimated receipts and expenditure of the Food Authority and forward the same to the Central Government.

(2) The Food Authority with the prior approval of the Central Government, shall adopt financial regulation which specifies in particular, the procedure for drawing up and implementing the Authority's budget.

82. Finances of the Food Authority.

(1) The Central Government may, after due appropriation, make to the Food Authority grants of such sums of money as the Central Government may think fit.

(2) The Food Authority on the recommendation of the Central Advisory Committee shall specify a graded fee from licensed food business operators, accredited laboratories or food safety auditors to be charged by the commissioner of Food Safety.

83. Accounts and audit of Food Authority.

(1) The Food Authority shall maintain proper accounts and relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The Comptroller and Auditor-General and any person

appointed by him in connection with the audit of the accounts of the Food Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Food Authority.

(3) The accounts of the Food Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Food Authority and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

84. Annual report of Food Authority.

(1) The Food Authority shall prepare once every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government and State Governments.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER XII
MISCELLANEOUS

85. Power of Central Government to issue directions to Food Authority and obtain reports and returns.

(1) Without prejudice to the foregoing provisions of this Act, the Food Authority shall, in exercise of its powers and in performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Food Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) If any dispute arises between the Central Government and the Food Authority as to whether a question is or is not a question of policy, the decision of the Central Government thereon shall be final.

(3) The Food Authority shall furnish to the Central Government such returns or other information with respect to its activities as the Central Government may, from time to time, require.

86. Power of Central Government to give directions to State Governments.

The Central Government may give such directions, as it may deem necessary, to a State Government for carrying out all or any of the provisions of this Act and the State Government shall comply with such directions.

87. Members, officers of Food Authority and Commissioner of Food Safety to be public servants.

The Members, officers of the Food Authority and the Commissioners of Food Safety and their officers shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning section 21 of the Indian Penal Code (45 of 1860).

88. Protection of action taken in good faith.

No suit, prosecution or other legal proceedings shall lie against the Central Government, the State Government, the Food Authority and other bodies constituted under this Act or any officer of the Central Government, the State Government or any member, officer or other employee of such Authority and bodies or any other officer acting under this

Act for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

89. Overriding effect of this Act over all other food related laws.

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

90. Transfer of existing employees of Central Government Agencies governing various foods related Acts or Orders to the Food Authority.

On and from the date of establishment of the Food Authority, every employee holding office under the Central Government Agencies

administering food laws immediately before that date shall hold his office in the Food Authority by the same tenure and upon the same terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office if the Food Authority had not been established and shall continue to do so as an employee of the Food Authority or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Food Authority.

91. Power of Central Government to make rules.

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) salary, terms and conditions of service of Chairperson and Members other than ex officio Members under subsection (2) and the manner of subscribing to an oath of office and secrecy under sub-section (3) of section 7;
- (b) qualifications of Food Safety Officer under sub-section (1) of section 37;
- (c) the manner of taking the extract of documents seized under sub-clause (8) of section 38;
- (d) determination of cases for referring to appropriate courts and time-frame for such determination under sub-section (4) of section 42;
- (e) qualifications of Food Analysts under section 45;
- (f) the manner of sending sample for analysis and details of the procedure to be followed in this regard under subsection (1) of section 47;

- (g) the procedure to be followed in adjudication of cases under sub-section (1) of section 68;
- (h) qualifications, terms of office, resignation and removal of Presiding Officer under sub-section (4), the procedure of appeal and powers of Tribunal under sub-section (5) of section 70;
- (i) any other matter relating to procedure and powers of Tribunal under clause
(g) of sub-section (2) of section 71;
- (j) the fee to be paid for preferring an appeal to the High Court under sub-section (1) of section 76;
- (k) form and time of preparing budget under sub-section (1) of section 81;
- (l) form and statement of accounts under sub-section (1) of section 83;
- (m) the form and time for preparing annual report by Food Authority under sub-section (1) of section 84; and
- (n) any other matter which is required to be, or may be, prescribed or in respect of which provision is to be made by rules by the Central Government.

92. Power of Food Authority to make regulations.

(1) The Food Authority may, with the previous approval of the Central Government and after previous publication, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) salaries and other conditions of service of officers and other employees of the Food Authority under sub-section (3) of section 9;
- (b) rules of procedure for transaction of business under subsection (5) of section 11;
- (c) other functions of the Central Advisory Committee under sub-section (2) of section 12;
- (d) procedure of Scientific Committee and Panels under subsection (4) of section 15;
- (e) notifying standards and guidelines in relation to articles of food meant for human consumption under sub-section (2) of section 16;
- (f) procedure to be followed by Food Authority for transaction of business at its meetings under sub-section (1) of section 17;
- (g) making or amending regulations in view of urgency concerning food safety or public health under clause (d) of sub-section (2) of section 18;
- (h) limits of additives under section 19;
- (i) limits of quantities of contaminants, toxic substance and heavy metals, etc., under section 20;
- (j) tolerance limit of pesticides, veterinary drugs residues, etc, under section 21;
- (k) the manner of marking and labelling of foods under section 23;
- (l) form in which guarantee shall be given under sub-section (4) of section 26;
- (m) conditions and guidelines relating to food recall procedures under sub- section (4) of section 28;
- (n) regulations relating to functioning of Food Safety

Officer under sub- section (5) of section 29;

- (o) notifying the registering authority and the manner of registration; the manner of making application for obtaining licence, the fees payable therefore and the circumstances under which such licence may be cancelled or forfeited under section 31;
- (p) the respective areas of which the Designated Officer shall be in-charge for food safety administration under subsection (1) of section 36;
- (q) procedure in getting food analysed, details of fees etc., under sub-section (1) of section 40;
- (r) functions, procedure to be followed by food laboratories under sub-section (3) of section 43;
- (s) procedure to be followed by officials under sub-section (6) of section 47;
- (t) financial regulations to be adopted by the Food Authority in drawing up its budget under sub-section (2) of section 81;
- (u) issue guidelines or directions for participation in Codex Meetings and preparation of response to Codex matters; and
- (v) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.]

93. Laying of rules and regulations before Parliament.

Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the

session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

94. Power of State Government to make rules.

(1) Subject to the powers of the Central Government and the Food Authority to make rules and regulations respectively, the State Government may, after previous publication and with the previous approval of the Food Authority, by notification in the Official Gazette, make rules to carry out the functions and duties assigned to the State Government and the State Commissioner of Food Safety under this Act and the rules and regulations made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) other functions of the Commissioner of Food Safety under clause (f) of sub-section (2) of section 30;
- (b) earmarking a fund and the manner in which reward shall be paid to a person rendering assistance in detection of offence or apprehension of offender under section 95; and
- (c) any other matter which is required to be, or may be prescribed or in respect of which provision is to be made by rules by the State Government.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses or where such State Legislature consists of one House, before that House.

95. Reward by State Government.

The State Government may empower the Commissioner of Food Safety to order payment of reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offender, from such fund and in such manner as may be prescribed by the State Government.

96. Recovery of penalty.

A penalty imposed under this Act, if it is not paid, shall be recovered as an arrear of land revenue and the defaulters licence shall be suspended till the penalty is paid.

97. Repeal and savings.

(1) With effect from such date as the Central Government may appoint in this behalf, the enactment and Orders specified in the Second Schedule shall stand repealed:

Provided that such repeal shall not affect:—

- (i) the previous operations of the enactment and Orders under repeal or anything duly done or suffered there under; or
- (ii) any right, privilege, obligation or liability acquired, accrued or incurred under any of the enactment or Orders under repeal; or
- (ii) any penalty, forfeiture or punishment incurred in respect of any offences committed against the enactment and Orders under repeal; or
- (iv) any investigation or remedy in respect of any such penalty, forfeiture or punishment, and any such investigation, legal proceedings or remedy may be instituted, continued

or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

(2) If there is any other law for the time being in force in any State, corresponding to this Act, the same shall upon the commencement of this Act, stand repealed and in such case, the provisions of section 6 of the General Clauses Act, 1897(10 of 1897) shall apply as if such provisions of the State law had been repealed.

(3) Notwithstanding the repeal of the aforesaid enactment and Orders, the licences issued under any such enactment or Order, which are in force on the date of commencement of this Act, shall continue to be in force till the date of their expiry for all purposes, as if they had been issued under the provisions of this Act or the rules or regulations made thereunder.

(4) Notwithstanding anything contained in any other law for the time being in force, no court shall take cognizance of an offence under the repealed Act or Orders after the expiry of a period of three years from the date of the commencement of this Act.

98. Transitory provisions for food standards.

Notwithstanding the repeal of the enactment and Orders specified in the Second Schedule, the standards, safety requirements and other provisions of the Act and the rules and regulations made thereunder and Orders listed in that Schedule shall continue to be in force and operate till new standards are specified under this Act or rules and regulations made thereunder:

Provided that anything done or any action taken under the enactment and Orders under repeal shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act:

99. Milk and Milk Products Order, 1992 shall be deemed to be regulations made under this Act.

(1) On and from the date of commencement of this Act, the Milk and Milk Products Order, 1992 issued under the Essential commodities Act, 1955 (10 of 1955) shall be deemed to be the Milk and Milk Products Regulations, 1992 issued by the Food Authority under this Act.

(2) The Food Authority may, with the previous approval of the Central Government and after previous publication, by notification, amend the regulations specified in sub-section

(1) to carry out the purposes of this Act.

100. Amendments to the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992.

As from the notified day, the provisions of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992) (herein referred to as the principal Act) shall apply subject to the following amendments, namely:-

- (a) throughout the principal Act, any reference to “the Prevention of the Food Adulteration Act, 1954 (37 of 1954)” shall be substituted by reference to “the Food Safety and Standards Act, 2006”;
- (b) in section 12 of the principal Act, the reference to “any Food Inspector appointed under section 9 of the Prevention of the Food Adulteration Act, 1954 (37 of 1954)” shall be substituted by reference to “any Food Safety Officer appointed under the Food Safety and Standards Act, 2006”;
- (c) throughout the principal Act, any reference to “Food

Inspector” shall be substituted by the expression “the Food Safety Officer”; and

- (d) in section 21 of the principal Act, in sub-section (1), the reference to clause (a) shall be substituted by the following, namely:- “(a) the Designated Officer or the Food Safety Officer directed under sub-section (5) of section 42 of the Food Safety and Standards Act, 2006; or”.

101. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary, for removing the difficulty:

Provided that no order shall be made under this section after of the expiry of the period of three years from the date of commencement of this Act,

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Zone 1

THE FIRST SCHEDULE

[See section 5(1) (e)]

1. Andhra Pradesh
2. Goa
3. Karnataka
4. Kerala
5. Maharashtra

6. Orissa
7. Tamil Nadu

Zone II

1. Haryana
2. Himachal Pradesh
3. Jammu and Kashmir
4. Punjab
5. Uttaranchal
6. Uttar Pradesh

Zone III

1. Bihar
2. Chhattisgarh
3. Gujarat
4. Jharkhand
5. Madhya Pradesh
6. Rajasthan
7. West Bengal

Zone IV

1. Arunachal Pradesh
2. Assam
3. Manipur
4. Meghalaya
5. Mizoram
6. Nagaland

7. Sikkim
8. Tripura

Zone V

1. Andaman and Nicobar Islands
2. Chandigarh
3. Dadra and Nagar Haveli
4. Daman and Diu
5. Delhi
6. Lakshadweep
7. Pondicherry.

THE SECOND SCHEDULE
(See section 97)

1. The Prevention of Food Adulteration Act, 1954 (37 of 1954).
2. The Fruit Products Order, 1955.
3. The Meat Food Products Order, 1973.
4. The Vegetable Oil Products (Control) Order, 1947.
5. The Edible Oils Packaging (Regulation) Order, 1998.
6. The Solvent Extracted Oil, De oiled Meal, and Edible Flour (Control) Order, 1967.
7. The Milk and Milk Products Order, 1992.
8. Any other order issued under the Essential Commodities Act, 1955 (10 of 1955) relating to food.

K.N.CHATURVEDI
Secy. To the Govt. Of India

**THE FOOD SAFETY AND STANDARD
RULE, 2011**

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department Of Health and Family Welfare)

New Delhi, dated the 5 May, 2011
Notification

G.S.R.362(E) Whereas Central Government proposes to make draft Food Safety and Standards Rules, 2011, in exercise of the powers conferred by section 91 of Food Safety and Standards Act, 2006 (34 of 2006), read with the sections 5,7,30,36,37,38,39,40,41,43,45,46,47,68,70,71,73,74,75,76,77,78,81,82,83 and 84 which have been notified by the Government of India vide SO 1855 (E) dated 29th July, 2010, and

Whereas these draft rules have been published at 1 to 68 in the Gazette of India Extraordinary Part II – Sec. 3 (i) dated 19th January, 2011 under the notification of Government of India in the Ministry of Health and Family Welfare no G.S.R 39

(E) dated the 19th January, 2011 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of period of thirty days from the date on which the copies of the said Gazette containing the said notification were made available to the public;

And whereas the copies of the Gazette were made available to the public on the 20th January, 2011.

And whereas objections and suggestions received from the public within the specified period on the said draft Rules have been considered by the Central Government.

Now therefore, in exercise of the power conferred by section 91 of the said Act, the Central Government hereby makes the following Rules namely:—

Food Safety and Standards Rules, 2011

CHAPTER 1

GENERAL

1.1 : Title and commencement

1.1.1 : These rules may be called the Food Safety and Standards Rules, 2011.

1.1.2 : They shall come into force after three months from the date of their publication in the official Gazette.

1.2: Definitions

1.2.1: In these rules, unless the context otherwise requires,

1. “Act” means the Food Safety and Standards Act, 2006 (Act 34 of 2006) ;
2. “Adjudicating Officer” means the Adjudicating Officer appointed under sub-section (1) of section 68 of the Act.
3. “Advocate” means a person who is entitled to practice the profession of law under the Advocates Act, 1961 (25 of 1961)
4. “Appellate Tribunal” means the Food Safety Appellate Tribunal constituted under section 70 of the Act.
5. “Authorised Officer” means an officer authorized by the Food Authority referred in the sub-section (5) of section 47 of the Act.
6. “Inquiry” means the inquiry referred to in section 68.
7. “Licensing Authority” means the Designated Officer appointed under section 36 of the Act for the local area and includes any other officer so appointed for the purpose of granting license by the Commissioner of Food Safety.

8. “Notified laboratory” means any of the laboratories notified by the Food Authority under sub-sections (1) and (2) of section 43 of the Act.
9. “Presiding Officer” means a person appointed as Presiding Officer of the Appellate Tribunal under section 70 of the Act.
10. “Referral laboratory” means any of the laboratories established and/or recognized by the Food Authority by notification under sub section (2) of section 43 of the Act.
11. “Registrar” means the Registrar of the Appellate Tribunal and includes an officer of such Appellate Tribunal who is authorized by the Presiding Officer to function as Registrar
12. “Registry” means the registry of the Appellate Tribunal
13. “Rules” means the Food Safety and Standards Rules, 2011.

CHAPTER 2

ENFORCEMENT STRUCTURE AND PROCEDURES

2.1 - Qualification and duties

2.1.1 : Commissioner of Food Safety:

1. **Qualification:** No person below the rank of “Commissioner and Secretary” to State Government shall be eligible to be appointed as the Commissioner of Food Safety.
2. **Powers and Duties:** Powers and duties of the Commissioner of Food Safety shall be as provided in the section 30 (2) of Food Safety and Standards Act, 2006.

2.1.2 : Designated Officer

1. Qualification

- (i) The Designated Officer shall be a whole time Officer, not below the rank of Sub-Divisional Officer or equivalent and shall possess a minimum of bachelors' degree in Science with chemistry as one of the subjects or at least one of the educational qualifications prescribed for the Food Safety Officer under these Rules.
- (ii) He shall Undergo training as may be specified by the Food Authority, within a period of six months from the date of his appointment as Designated Officer.
- (iii) (a) persons having been appointed as food Inspector having qualification prescribed under the PFA Rules, 1955 or as Local Health Authority shall be eligible for appointment as Designated Officer, subject to fulfilling such other conditions as may be prescribed for the post of Designated Officer by the State Government.
- (b) At the time of commencement of these rules, the post of designated Officer is held by any other officer of equivalent rank as additional charge basis such other officer shall continue to hold such additional charge till such time a whole time Designated Officer is appointed or for a period of one year whichever is earlier.

2. Powers and duties:

- (i) The powers and duties of the Designated Officer shall be as mentioned in section 36 (3) of FSS Act, 2006.
- (ii) The Designated officer shall function under overall supervision of collector/ District Magistrate of the District.
- (iii) The Designated Officer shall, in addition to the

powers specified in Section 36 (3) of FSS Act, 2006, also ensure the refund of fee for analysis paid by the purchaser as per the provision of Section 40 (1), besides the cost of the sample

(iv) The Designated Officer shall ensure timely disposal of redundant samples, in the manner notified for the seized materials, by the Commissioner of Food Safety.

(v) Without prejudice to anything contained in the aforesaid Rules, the Designated Officer shall have all administrative powers which may include suspension, cancellation or revocation of the license of the Food Business Operator in case any threat or grave injury to public, has been noticed in the report of the Food Analyst,

Provided that while taking such administrative action the procedure described in the Act and Regulations shall be followed.

2.1.3 : Food Safety Officer

1. **Qualification:** Food Safety Officer shall be a whole time officer and shall, on the date on which he is so appointed possesses the following:
 - (i) a degree in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Agricultural Science or Veterinary Sciences or Bio-Chemistry or Microbiology or Masters Degree in Chemistry or degree in medicine from a recognized University, or
 - (ii) any other equivalent/recognized qualification notified by the Central Government, and
 - (iii) has successfully completed training as specified by the Food Authority in a recognized institute or Institution approved for the purpose.

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a Food Safety Officer under this rule

2. On the date of commencement of these Rules, a person who has already been appointed as a Food Inspector under the provisions of Prevention of Food Adulteration Act, 1954, may perform the duties of the Food Safety Officer if notified by the state/Central government if the officer fulfils such other conditions as may be prescribed for the post of Food Safety Officer by the State Government.
3. State Government may, in cases where a Medical Officer of health administration of local area has been performing the function of food Inspector under the Prevention of Food Adulteration Act, 1954, assign the powers and duties of Food Safety Officer to such Medical Officer in charge of health administration of that area.

Provided further that the persons appointed under clauses 2 and 3 above, shall undergo a specialized training laid down by the Food Authority within a period of two years from the commencement of these rules.

4. Powers and Duties:

- (i) Without prejudice to the powers conferred on him under section 38 of the Act, where the Food Safety Officer is of the opinion or he has reason(s) to be recorded in writing that in the given situation it is not possible to comply with the provision of section 38 (1) (c) or the proviso to section 38(1) for reasons like non availability of the Food Business Operator, the Food Safety Officer may seize the adulterant or food which is unsafe or sub-standard or mis-branded or containing extraneous matter, may seal the premises for investigation after taking a sample of such adulterant or food for analysis.

- (ii) Where the Food Safety Officer is of the opinion or he has reason(s) to believe that any person engaged in selling, handling or manufacturing any article of food is suffering from or harbouring the germs of any infectious disease, he may cause such person to be examined by a qualified medical professional duly authorized by the Designated Officer.

Provided that where such person is a female, she shall be examined by a qualified lady medical professional duly authorized by the Designated Officer.

If on such examination the qualified medical professional certifies that such person is suffering from any such disease, the Food Safety Officer may by order in writing under intimation to the Designated Officer direct such person not to take part in selling or manufacturing any article of food.

- (iii) Furthermore, it shall be the duty of the Food Safety Officer

- (a) To inspect, as frequently as may be prescribed by the Designated Officer, all food establishments licensed for manufacturing, handling, packing or selling of an article of food within the area assigned to him;

- (b) To satisfy himself that the conditions of licenses are being complied with by each of the Food Business Operators carrying on business within the area assigned to him and report to the Designated Officer;

- (c) To procure and send for analysis if necessary, samples of any article of food which he has reason to believe or on the basis of information received including from a purchaser are being manufactured, stocked or sold or exhibited for sale in contravention of the provisions of the Act, or rules and regulations framed thereunder

- (d) To draw samples for purposes of surveillance, survey

and research, which shall not be used for prosecution

- (e) To investigate any complaint which may be made to him in writing in respect of any contravention of the provisions of the Act, or rules framed thereunder;
- (f) To maintain a data base of all Food Business within the area assigned to him;
- (g) To recommend Designated Officer to issue of improvement notices to the Food Business Operator whenever necessary;
- (h) To maintain a record of all inspections made and action taken by him in the performance of his duties, including the taking of samples and seizure of stocks, and to submit copies of such records to the Designated Officer as directed in this regard;
- (i) To make such inquiries and inspections as may be necessary to detect the manufacture, storage or sale of articles of food in contravention of the Act or rules framed thereunder;
- (j) To stop and inspect any vehicle suspected to contain any unsafe food or food which does not comply with the provisions of this Act and rules, intended for sale or delivery for human consumption;
- (k) To recommend to the Designated Officer giving specific grounds, suitable action in regard to licenses issued to any Food Business Operator, if on inspection the Food Safety Officer finds that the Food Business Operator had violated the conditions for grant of license;
- (l) To carry out food safety surveillance to identify and address the safety hazards
- (m) To respond to incidents of food poisoning in his area and to send report to and assist the Designated Officer to

enable him to initiate corrective action;

(n) To facilitate preparation of Food safety plans for Panchayat and Municipalities in accordance with the parameters and guidelines given in **schedule IV of Chapter 3 of Regulations.**

(o) To detain imported packages which are suspected to contain articles of food, the import or sale of which is prohibited;

(p) To coordinate with the Food Business Operators within his area of operation and facilitate the introduction of food safety systems by the Food Business Operators.

(q) To perform such other duties, as may be entrusted to him by the Designated Officer or Food Safety Commissioner having jurisdiction in the local area concerned.

2.1.4 : FoodAnalyst

1. Qualification: A person shall not be qualified for appointment as Food Analyst under the Act unless she/he:-

- (i) Holds a Master's degree in Chemistry or Biochemistry or microbiology or Dairy Chemistry or Food Technology, Food and Nutrition or holds Bachelor of Technology in Dairy/Oil or holds degree in Veterinary Sciences from a university established in India by law or is an associate of the Institution of Chemists (India) by examination in the section of Food Analysts conducted by the Institution of Chemists (India) or any other equivalent qualification recognized and notified by the Central government for such purposes and has not less than three years experience in the analysis of food; and
- (ii) Has been declared qualified for appointment as a Food Analyst by a board appointed and notified by the Authority

Notwithstanding anything contained above,

(a) any person who has been declared qualified for appointment as Public Analyst by the board constituted under Prevention of Food Adulteration Act, 1954 shall also be eligible for holding the post of Food Analyst.

(b) any person who is a Public Analyst under the provisions of Prevention of Food Adulteration Act, 1954 on the date of commencement of these Rules, may hold office of the Food Analyst subject to the terms and conditions of service applicable to such person.

A person appointed as Food Analyst shall undergo all specialized training programmes specified by the Food Authority periodically.

2. Duties:

- (i) The Food Analyst shall analyse or cause to be analysed the article of food sent to him for analysis. In analyzing the article of food, the Food Analyst shall follow such instructions and shall adhere to such procedure as adopted by the Food Authority from time to time. The report of analysis shall be signed by the Food Analyst
- (ii) After completion of analysis of article of food, the Food Analyst shall send his report to the Designated Officer, the Purchaser of article of food, as the case may be, in Form VII A.

2.2 - Procedure of taking extracts of documents and matters connected therewith

2.2.1: Manner of taking extracts

1. Where the Food Safety Officer has seized any books of account and other relevant documents in exercise of powers conferred upon him under sub-section (6) of section 38 of the Act, he shall return the same to the person from whom

they were seized within a period not exceeding thirty days from the date of such seizure

Provided that before returning the books of account and other documents, the Food Safety Officer shall be entitled for copies thereof or extracts there from, as the case may be.

2. On receipt of such communication from the Food Safety Officer, the person from whom the books of account and documents were seized shall provide the copies or extracts as the case may be, duly authenticated by the Food Business Operator.
3. The extracts shall be taken by the Food Safety Officer or by any person authorized by him.
4. The person making the extracts shall not in any manner cause dislocation, mutilation, tampering or damage to the records in the course of making extracts.
5. The person making extracts shall not make any marking on any record or paper.

2.2.2 Affidavit

1. The extracts or the copies referred to in Rule 2.2.1 above, shall be initialed on each page of such extracts or copies by the person from whom the books of account and other documents were seized and such extracts or copies so authenticated shall be provided to the Food Safety Officer, accompanied by an Affidavit in Form I of the person from whom the books of account and other documents were seized, certifying the authenticity of such extracts or copies.

2.3 - Seizure of articles of food by the Food Safety Officer and matters connected therewith

2.3.1.: Form of receipt for article of food seized by a Food Safety officer– For every article of food seized under clause (b) of sub-section 1 of Section 38 of the Act, a receipt in Form II shall be given by the Food Safety Officer to the person from whom the article of food was seized.

2.3.2 Form of order/bond not to dispose of the stock: Where the Food Safety Officer keeps any article of food in the safe custody of the Food Business Operator under clause (c) of sub-section (1) of Section 38 of the Act.

1. he shall, after affixing the seal, on the article of food, make an order to the Food Business Operator in **Form III** and the Food Business Operator shall comply with such an order, and
2. he may require the Food Business Operator to execute a bond in Form IV.

2.4: Sampling and Analysis

2.4.1 : Procedure for taking sample and manner of sending it for analysis –

The Food Safety Officer while taking sample of food for analysis under clause A of Sub Section 1 of Section 38 and Section 47 (except 47 (5)) of the Act, shall also follow the procedure specified hereunder;-

1. shall call one or more witnesses at the time of lifting of the samples
2. Obtain the signatures from the witnesses in all the forms and documents prepared

3. Serve the notice in Form V A to the business operator then and there
4. in case the food business operator discloses that the product has been obtained from the manufacturer, the distributor or supplier, a notice shall also be given to such manufacturer, distributor or supplier,
5. in case where the sample is drawn from an open container, the person drawing the sample shall also draw a sample from a container in original condition of the same article bearing the same declaration, if such container is available, and intimate the same to the Food Analyst.
6. Where a Food Safety Officer or the purchaser takes a sample of an article of food for analysis, he shall pay, the cost of such sample, to the person from whom the sample is taken, calculated at the rate at which the article is sold to the public.
7. Sample of article of Food for the purpose of analysis shall be taken in clean dry bottles or jars or in other suitable containers which shall be closed to prevent leakage, evaporation or to avoid entrance of moisture in case of dry substance and shall be carefully sealed.

Provided, if a sealed package marketed by the manufacturer/ Food Business Operator is taken as sample, further sealing in separate containers will not be required.

8. All bottles or jars or other containers containing the samples for analysis shall be properly labeled and the parcel shall be properly addressed. The label on any sample of food sent for analysis shall bear
 - I. Code number of the sample
 - II. Name of the sender with his official designation
 - III. Date and place of collection

IV. Nature of articles being sent for analysis

V. Nature and quantity of preservative, if any, added to the sample.

9. The samples will be packed and sealed in the manner prescribed hereunder :

(i) Sample shall be divided into four parts or take four already sealed packages and mark and seal or fasten up each part in such a manner as its nature permits and take the signature or thumb impression of the person from whom the sample has been taken on the label mentioned in 2.4.1.8

(ii) The stopper/cap shall first be securely fastened so as to prevent leakage of the contents in transit

(iii) The bottle, jar or other container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive.

(iv) A paper slip of the size that goes round completely from the bottom to top of the container, bearing the signature of the Designated Officer or any officer authorized by Food Safety commissioner and code number of the sample, shall be pasted on the wrapper. The signature or thumb impression of the person from whom the sample has been taken, shall be affixed in such a manner that the paper slip and the wrapper both carry a part of this signature or the thumb impression

Provided that in case the person from whom the sample is taken refuses to affix his signature or thumb impression, the signature or thumb impression of one or more witnesses shall be taken in the same manner

Provided further that in case the paper slip containing the signature of the Designated Officer is of such a size that it does not cover completely from the bottom to the top of

the container, the Food Safety Officer shall affix additional sheet/s of paper to the slip containing the signature of the Designated Officer so as to cover the container completely and the Food Safety Officer shall affix his signature on each of the joints for the purpose of identification.

Provided also further that where the purchaser or an Authorized Officer draws the sample no such paper slip shall be required to be affixed

(v) The paper cover shall be further secured by means of strong twine or thread both above and across the bottle, jar or other container and the twine or thread shall then be fastened on the paper cover by means of sealing wax on which there shall be distinct and clear impression of the seal of the sender, of which one shall be at the top of the packet, one at the bottom and the other two on the body of the packet. The knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the sender.

10. The containers of the samples shall be dispatched forthwith in the following manner

(i) the sealed container of one part of the sample for analysis along with memorandum in Form VI shall be sent in a sealed packet to the Food Analyst under appropriate condition to retain the integrity of the sample.

(ii) the sealed container of the second and third parts of the sample and two copies of memorandum in Form VI shall be sent to the Designated Officer by any suitable means and

(iii) the sealed container of the remaining fourth part of the sample and a copy of memorandum in Form VI shall be sent to an accredited laboratory along with fee prescribed by the Authority, if so requested by the Food Business

Operator, under intimation to the Designated Officer

Provided that fourth part also shall be deposited with Designated Officer if Food business Operator does not request to send the sample to an accredited lab.

(iv) for lifting a sample for testing microbiological parameters, the method of lifting sample, type of container, temperature to be maintained, method of transportation and any other condition to maintain the integrity of the sample shall be notified by the Food Authority from time to time.

11. The Food Safety Officer shall send to the Food Analyst to whom the sealed container of first part of the sample was sent, a copy of the memorandum and specimen impression of the seal used to seal the packet and the same shall be sent forthwith.

12. The Food Safety Officer or the Authorized Officer, while taking sample for the purpose of analysis under the provisions of the Act except in the case where the sample is meant for microbiological testing/ analysis, may add to the sample, a preservative as may be prescribed from time to time in the regulations for the purpose of maintaining it in a condition suitable for analysis.

13. Whenever any preservative is added to a sample, the nature and quantity of the preservative added shall be clearly noted on the label to be affixed to the container.

14. The quantity of sample of food to be sent to the Food Analyst / Referral lab for analysis shall be as specified in regulations by the Food Authority:

Explanation: Foods sold in packaged condition (sealed container or package) shall be sent for analysis in its original condition without opening the package as far as practicable, to constitute approximate quantity along with original label. In case of bulk packages, wherever

preservatives are to be added as per the requirement under these rules, the sample shall be taken after opening sealed container or package in the presence of the Food Business Operator or in case of his refusal, in the presence of one or more witnesses and the contents of the original label shall also be sent along with the sample for analysis. However, such samples shall not be used for microbiological analysis

15. Where food is sold or stocked for sale or for distribution in sealed containers having identical label declaration, the contents of one or more of such containers as may be required to satisfy the quantity prescribed, shall be treated to be a part of the sample.
16. The quantity of sample of food packaging material to be sent to the Food Analyst /Director of referral lab for analysis shall be as specified below:-

Name of food packaging material surface area	Approximate quantity/ to be supplied
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1. Food packaging material when sample is 8 x 1000 x 9 sq.cm. surface area.”
taken from manufacturer.

2. When sample is taken from small consumer Complete packaging material used for one container. packages.

17. Notwithstanding anything contained in Rule 2.4.1 (15) the quantity of sample sent for analysis shall be considered as sufficient unless the Food Analyst reports to the contrary.

For the purpose of the Rule 2.4.1, if the sample is taken for Surveillance purposes, the procedure illustrated under this rule shall not be followed

2.4.2. Analysis of food samples by Food Analyst

1. On receipt of the package containing a sample of food for analysis, the Food Analyst or an officer authorized by him shall compare the seals on the container and the outer cover with specimen impression of seal received separately and shall note the condition of the seal thereon.
2. Food laboratories including mobile food laboratories wherever required, may be established or notified by the Central/State Government for the purpose of testing food samples received from the Food Safety Officer/ purchaser.
3. If the sample container received by the Food Analyst is found to be in broken condition or unfit for analysis, he shall, within a period of seven days from the date of receipt of such sample, inform the Designated Officer about the same and request him to send the second part of the sample for analysis.
4. On receipt of requisition from the Food Analyst pursuant to Rule 2.4.2 (3) the Designated Officer, shall by the succeeding working day, dispatch to the Food Analyst for analysis one part of the samples sent to him by the Food Safety Officer.
5. On receipt of the sample, the Food Analyst shall analyse or cause to be analysed the sample and send the analysis report mentioning the method of analysis. The analysis report shall be as per Form VII A and four copies of the same shall be sent to the Designated Officer under whose jurisdiction the Food Safety Officer functions or the purchaser of article of food. The analysis report shall be signed by the Food Analyst and such report shall be sent within fourteen days of the receipt of the sample by the Food Analyst.
6. The Designated Officer shall keep two copies of analysis report for further action, one copy shall be sent to Food

Safety Officer for record and one copy to Food business Operator from whom the sample was taken.

Provided that in case the sample cannot be analysed within fourteen days of its receipt, the Food Analyst shall inform the Designated Officer and the Commissioner of Food Safety giving reasons and specifying the time to be taken for analysis.

7. The manuals of the method of analysis, as amended/adopted by the Authority from time to time including AOAC/ISO/Pearson's/Jacob/IUPAC/Food Chemicals CODEX/BIS/Woodmen/Winton-Winton/Joslyn, shall be used for analyzing the samples of food articles. However, in case the method for analyzing any parameter is not available in these manuals, a validated method of analysis prescribed by internationally recognized/analytical/regulatory agencies, shall be adopted

2.4.3 : Action by Designated Officer on the report of Food Analyst.

If, after considering the report, the Designated Officer is of the opinion for reason(s) to be recorded in writing, that the report delivered by the Food Analyst under Rule 2.4.2 (5) is erroneous, he shall forward one of the parts of the sample kept by him to referral laboratory, for analysis and if the analysis report of such referral laboratory is to the effect that the article of food is unsafe or sub-standard or mis-branded or containing extraneous matter, the provisions of Rule 3.1 shall, so far as may be, apply.

2.4.4 : Purchasers may have the food analysed

1. A Purchaser of food article may, if he so desires, have the article analysed by the Food Analyst according to the procedure notified by the Food Authority.

2. If the Purchaser desires to have the food article purchased by him to be analysed by the Food Analyst, he shall give a notice in writing, then and there, in Form V B of his intention to have it so analysed to the person from whom he has purchased the food article.
3. The provisions of Rule 2.4.1 shall mutatis mutandis apply except 2.4.1 (9) (i, iv) , 10 (ii, iii), 11, and 16 and with the modification that the samples shall be divided into two parts or two already sealed packages will be taken each of which will be marked and sealed or fastened up in such a manner as its nature permits and the signature or thumb impression of the person from whom the sample has been taken or a witness will be affixed on the label mentioned in 2.4.1 (8). The purchaser will forward one part of the sample to the Food Analyst and the other to the Designated Officer which can be used in the event of appeal by the Food Business Operator against the finding of the report of the Food Analyst.
4. The Purchaser shall pay the prescribed fee to the Food Analyst for carrying out the analysis.
5. The Food Analyst shall send to the Purchaser his report on analysis of the article of food and if the finding of the report is to the effect that the article of food is adulterated/ misbranded/contaminated or does not conform to the standards prescribed under the Act or the Regulations, the Food Analyst shall also send his report in triplicate, to the Designated Officer of the area in which the article of food was purchased, besides sending a copy of the Report to the Purchaser.
6. The report of the Food Analyst shall be sent within 14 days of the receipt of the article of food for analysis and such report shall be in Form VII A.

2.4.5 : Food business operator's right to have the food analysed

1. In case the Food business operator from whom the sample has been taken or the person whose name and address and other particulars have been disclosed under Rule 2.5 of these rules, desires to have the fourth part of the sample analysed, he shall request the Food Safety Officer in writing to send the sample to any NABL accredited/ FSSAI notified laboratory for analysis under intimation to the Designated Officer.
2. The Food Safety Officer shall send the sample to a NABL accredited/FSSAI notified laboratory, under intimation to the Designated Officer forthwith, in the manner prescribed under Rule 2.4.1.

Provided that the cost of testing by the accredited lab will be borne by the Food Business Operator or the person identified under Rule 2.5. The payment shall be made by the Food Business Operator through Bank draft or online transfer or treasury chalan or any other suitable means as specified by the Designated Officer.

Provided further that the Accredited lab where the Food Safety Officer will send the sample, should be within the state or the neighboring state wherever available

3. The Food Analyst in-charge of the accredited laboratory shall analyse the sample within fourteen days from the date of the receipt of the sample

Provided that in case the sample cannot be analysed within fourteen days from the date of its receipt, the Food Analyst/ in-charge of the accredited laboratory, shall inform the Designated Officer and the Commissioner of Food Safety giving reasons and specify the time to be taken for analysis.

4. The Food Analyst shall send four copies of the analysis report to the Designated Officer, in the proforma given in

Form VII A, indicating the method of analysis.

2.4.6 : Appeal to the Designated Officer

1. When an appeal as provided under subsection 4 of section 46 is preferred to the Designated Officer by the Food Business Operator against the report of the Food Analyst, the Designated Officer, shall if he so decides, within thirty days from the receipt of such appeal after considering the material placed before him and after giving an opportunity to Food Business Operator to be heard shall forward one part of the sample to the referral lab. Such appeal shall be in Form VIII which shall be filed within 30 days from the date of the receipt of the copy of the analysis report from the Designated Officer. Report of the referral laboratory shall be final in this regard.
2. The Designated Officer shall forward one part of the the sample under appropriate condition as specified for the product including transport, to retain the integrity of the sample. The cost of analysis of the sample shall be borne by the Food Business Operator. The remaining samples will also be safely kept under appropriate conditions to prevent deterioration.

2.5 : Nomination by the company in the prescribed proforma

2.5.1: The company which is having different establishments or branches, units, any establishment or branch shall inform the Licensing authority in Form IX, the particulars relating to the concerned head or the person in-charge of such establishment, branch, unit, with due certification that the concerned person has been so nominated for the purposes of the section 66 of the Act and regulations made under section 31 of the Act.

2.5.2: The Company shall also intimate to the Licensing Authority,

as and when any change occurs in the nomination given in Rule 2.5.1 above forthwith, in Form IX

CHAPTER 3 ADJUDICATION AND APPEAL TO TRIBUNAL

3.1 : Adjudication proceedings

3.1.1: Holding of inquiry

1. On receipt of the copy of the report of Food Analyst in Form VII A from the Designated Officer, the person from whom the sample was taken or the persons, whose names and addresses and other particulars have been disclosed under Rule 2.5 of these rules or wholesaler or manufacturer has preferred an appeal against the findings of the report of the Food Analyst before the Designated Officer in terms of sub-section (4) of section 46 of the Act and the same has been dismissed, or the referral laboratory has, pursuant to the reference made by the Designated Officer in terms of sub-section (4) of section 46 of the Act confirmed the findings of the Food Analyst in his report, or if no appeal has been preferred, the Designated Officer shall examine the case on the basis of the sections under which the person has been charged as to whether the contravention is punishable with imprisonment or the same is punishable with fine only under the Act. However, if no contravention is established and the sample conforms to the requirement of FSS regulations, the same will be communicated to the Food Business Operator immediately.
2. If the Designated Officer decides that such contravention is not punishable with imprisonment but only with fine under the provisions of the Act, he shall cause and authorize the Food Safety Officer to file with the Adjudicating Officer an application for adjudication of the offence alleged to have

been committed by the person from whom the food sample has been taken or the person whose name and address and other particulars have been disclosed under Rule 2.5 of these rules and/or the seller or manufacturer of the food item in respect of which the report has been received.

3. On receipt of the communication from the Designated Officer authorizing the filing of the adjudication application, the Food Safety Officer shall file the application for adjudication with the Adjudicating Officer for adjudication of the offence/contravention alleged to have been committed.
4. On receipt of the application for adjudication from the Food Safety Officer, the Adjudicating Officer shall commence the inquiry proceedings.
5. The Adjudicating Officer shall have power to hold an inquiry for purpose of adjudicating offences punishable under sections 50, 51, 52, 53, 54, 55, 56, 57, 58, 64, 65, 66 and 67 of the Act.
6. For holding an inquiry for the purpose of adjudication under section 68 of the Act as to whether any person(s) has/have committed contravention of any of the provisions of the Act referred to in Rule 3.1.1.(5) herein or the rules or regulations in respect of which the offence is alleged to have been committed, the Adjudicating Officer shall, in the first instance, issue a notice to such person or persons giving him or them an opportunity to make a representation in the matter within such period as may be specified in the notice (not being less than 30 days from the date of service thereof).
7. Every notice under Rule 3.1.1.(6) to any such person shall indicate the nature of offence alleged to have been committed by him or them, the section(s) of the Act alleged to have been contravened, and the date of hearing of the

matter. A copy of the report of the Food Analyst shall also be annexed to such notice.

8. On the date fixed for hearing, the Adjudicating Officer shall explain to the person or persons proceeded against or to his authorized representative, the offence alleged to have been committed by such person, indicating the provision of the Act, rules or regulations in respect of which the contravention is alleged to have taken place.
9. The Adjudicating Officer shall then give an opportunity to such person or persons to produce such documents or evidence as he may consider relevant to the inquiry and if necessary the hearing may be adjourned to a future date
Provided that the notice referred to in Rule 3.1.1. (6) may, at the request of the person concerned, be waived.
Provided further that the Adjudicating Officer shall pass the final order within 90 days from the date of first hearing mentioned in Rule 3.1.1 (8) above.
10. The State Government may appoint a presenting officer from amongst the panel of advocates of the court of local jurisdiction, in an inquiry under this rule.
11. While holding an inquiry under this rule, the Adjudicating Officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the Adjudicating Officer may be useful for or relevant to, the subject matter of the inquiry.
12. If any person fails neglects or refuses to appear as required by Rule 3.1.1 (6&7) before the Adjudicating Officer, the Adjudicating Officer may proceed with the inquiry in the absence of such person, after recording the reasons for doing so.

3.1.2 : Order of the Adjudicating Officer and matters relating thereto

1. If, upon consideration of the evidence produced before the Adjudicating Officer, the Adjudicating Officer is satisfied that the person or persons or any of them against whom the inquiry has been conducted, has become liable to penalty and/or any suitable administrative action under any of the sections referred to in Rule 3.1.1. (5) he may, by order in writing, impose such penalty as he thinks fit, in accordance with the provisions of the relevant section or sections of the Act.
2. If however, the Adjudicating Officer is satisfied that the person or persons or any of them against whom the inquiry has been conducted for the contravention of provisions of the Act, has or have not been proved beyond doubt, the Adjudicating Officer shall dismiss the case.
3. Every order made under Rule 3.1.2. (1) shall specify the provisions of the Act or the rules or the regulations in respect of which the offence has taken place and shall contain brief reasons for such decision. While imposing monetary penalty, the Adjudicating Officer shall have due regard to the provisions of section 49 of the Act. Such penalty will be remitted in the form of a crossed demand draft drawn on a nationalized bank in favour of “Adjudicating Officer,District” payable at the station where the Adjudicating officer is located
4. Every such order shall be dated and signed by the Adjudicating Officer.
5. The Adjudicating Officer shall send a copy of the order made under Rule 3.1.2 to the person or persons against whom the inquiry was conducted and the Food Safety Officer who has filed the application for adjudication.

6. A notice or an order issued under these rules shall be served on the person or the persons against whom the adjudication proceedings were held or inquiry has been conducted, in any of the following manner:
 - (i) by delivering or tendering it to that person or his duly authorized representative or
 - (ii) by sending it to the person by registered post with acknowledgement due to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain or
 - (iii) if it cannot be served in the manner specified under Rule 3.1.2 (6) (i) or (ii) by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain and written report thereof should be witnessed by two persons.

3.2 : Appellate Tribunal

3.2.1 Qualification and terms of office of Presiding Officer of an Appellate Tribunal

1. No person shall be qualified for appointment as a Presiding Officer of an Appellate Tribunal unless he is or has been a District Judge and has not attained the age of 65 years on the date of appointment.
2. The Presiding Officer shall be selected by the State Government in which the Appellate Tribunal is located. The selection panel shall consist of three persons, one being a serving Judge of the High Court in which the Appellate Tribunal is located, the Law Secretary of the State Government and the Secretary of the concerned department of the State Government.

3. The panel's recommendation shall be decided by the majority of the members constituting the panel. The panel shall send its recommendation to the State Government, which will then take such steps as may be necessary to notify the appointment of the Presiding Officer. If there are more than one candidate which the panel has recommended for appointment, the panel shall rank the candidates in the order of their merit.

3.2.2 : Terms and conditions of service of Presiding Officer

1. **Term of office:** The Presiding Officer of the Appellate Tribunal shall hold office for a term of five years from the date on which he assumes office or until he attains the age of 65 years, whichever is earlier.

Filling of vacancy: If for reason other than temporary absence, any vacancy occurs in the office of the Presiding Officer of the Appellate Tribunal, then the Central Government or the State Government, as the case may be, shall appoint another person in accordance with the provisions of the Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy occurred.

2. **Salary and allowances of Presiding Officer:** The Presiding Officer of Appellate Tribunal shall be paid such salary as admissible to a serving District Judge of the State in which the Appellate Tribunal is located.

Provided that if the Presiding Officer is in receipt of any retirement benefit by way of pension, gratuity, employer's contribution to Contributory Provided Fund, etc. the pay of such Presiding Officer shall be reduced by the gross amount of pension or employer's contribution to the Contributory Provided Fund or any other form of retirement benefit, if any, drawn or to be drawn by him.

(i) Travelling Allowance: The Presiding Officer while on tour or on transfer (including the journey undertaken to join the Appellate Tribunal or on the expiry of his term with the Appellate Tribunal to proceed to his home town) shall be entitled to traveling allowance, daily allowances, transportation of personal effects and other similar matters at the same scale and at the same rates as are applicable to a District Judge of the State in which the Appellate Tribunal is located.

(ii) Leave Travel Concession: The Presiding Officer shall be entitled to Leave Travel Concession at the same rates and at the same scale as are applicable to a District Judge of the State in which the Appellate Tribunal is located.

(iii) Conveyance: The Presiding Officer shall be entitled to a staff car as applicable to a District Judge.

(iv) Facilities of Medical Treatment: The Presiding Officer of the Appellate Tribunal shall be entitled to medical treatment and hospital facilities as provided in the Service Rules as are applicable to a District Judge in the state in which the Appellate Tribunal is located.

3. Resignation and removal: The Presiding Officer of the Appellate Tribunal may, by a notice in writing under his hand addressed to the Central Government or the State Government, as the case may be, which has appointed him, resign from his office. The Central Government or the State Government, as the case may be, remove from office, the Presiding Officer of the Appellate Tribunal, who

(i) has been adjudged as insolvent

(ii) has been convicted of an offence which in the opinion of the Central Government or the State Government, as the case may be, involves moral turpitude

(iii) has become physically or mentally incapable of acting as the Presiding Officer

(iv) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Presiding Officer

(v) has so misbehaved or abused his position as to render his continuance in office prejudicial to the public interest.

Provided however that the Presiding Officer shall not be so removed from his office for reasons mentioned in iv and v except by an order of the Central Government or the State Government, as the case may be, after an inquiry made by a serving or retired Judge of a High Court in which the Presiding Officer has been informed of the charges against him and given a reasonable opportunity of being heard in respect of the charges and the person conducting the enquiry files a report that the Presiding Officer ought to be removed.

Whereas in respect of i, ii, and iii the decision of the Government shall be based on convincing evidence or documentary proof on the basis of a speaking order.

4. **Residuary powers and power to relax rules**

(i) Residuary Powers: Matters relating to the conditions of service of the Presiding Officer with respect to which no express provision is made in these rules, shall be referred, in each case to the Central Government or the State Government as the case may be for its decision and the decision of the Central Government or the State Government thereon shall be binding on the Presiding Officer.

(ii) Power to relax: The Central Government or the State Government as the case may be, shall have the power to relax the provision of any of these rules relating to

Presiding Officer.

3.3 : Procedure for Appeal to Appellate Tribunal and Connected matters therewith

3.3.1 Appeal to Appellate tribunal

- 1. Limitation for filing appeal:** Every appeal under section 70 of the Act, arising out of a decision of the Adjudicating Officer appointed under section 68 of the Act, shall be filed within a period of 30 days from the date on which the copy of the order against which the appeal is filed, is received by the appellant.

Provided however that the Appellate Tribunal may allow a maximum of another 30 days to entertain an appeal if it is satisfied that there was sufficient cause for not filing the appeal within first 30 days.

- 2. Form and procedure of appeal**

- (i) A memorandum of appeal shall be presented in Form X by any aggrieved person in the registry of the Appellate Tribunal or shall be sent by registered post addressed to the Registrar.

- (ii) A memorandum of appeal sent by post shall be deemed to have been presented in the registry on the day it is received in the registry.

- 3. Contents of Memorandum of Appeal**

- (i) Every Memorandum of Appeal filed under Rule 3.3.1 (2) shall set forth concisely under distinct heads, the grounds of such appeal and such grounds shall be numbered consecutively.

- (ii) It shall not be necessary to present separate memorandum of appeal to seek interim order or direction, if the same is prayed for in the Memorandum of Appeal.

4. Manner of presentation of appeal or application or petition

(i) Every appeal or petition or application presented to the Appellate Tribunal shall be in English or the local language of the state and shall be fairly and legibly type written or printed, in double spacing on one side of standard petition paper, duly paginated, indexed and stitched together in paper book form.

(ii) Appeal or petition or application shall be divided into paragraphs and shall be numbered consecutively.

5. Initialing alteration

Every interlineations erasing or correction or deletion in any appeal or petition or application filed before the Appellate Tribunal shall be initialed by the party or his authorized agent in writing or the party's advocate presenting the same.

6. Presentation of appeal, petition or application

(i) Every appeal, petition or application shall be presented in triplicate by the appellant or the petitioner or the applicant, as the case may be, in person or by his duly authorized agent in writing or by an advocate duly appointed in this behalf and shall be accompanied, wherever applicable, with the stipulated fee.

(ii) Every appeal shall be accompanied by the certified copy of the impugned order.

7. Scrutiny of memorandum of appeal

(i) The Registrar shall endorse on every appeal the date on which it is presented under Rule 3.3.1 or deemed to have been presented under that rule and shall sign endorsement.

(ii) If on scrutiny, the appeal is found to be in order, it shall be duly registered and given a serial number.

(iii) If on scrutiny, the appeal or petition or application is found to be defective, the same shall, after notice to the party, be returned for compliance and if within 21 days of receipt of such notice or within such extended time as may be granted by the Registrar, the defect is not rectified, the Registrar, may, for reasons to be recorded in writing, decline to register the appeal or petition or application.

8. Ex-parte amendments

(i) In every appeal or petition or application, arithmetical, grammatical, clerical and such other errors may be rectified on the orders of the Registrar under notice to the parties.

9. Service of appeal on the respondent

A copy of the Memorandum of Appeal and the paper book shall be served by the Registrar on the Respondent as soon as they are registered in the registry, by hand delivery or by Registered post or speed post.

10. Calling for records

On the admission of the appeal or the application or petition, the Registrar shall, if so directed by the Appellate Tribunal, call for the records relating to the proceedings from the respective Adjudicating Officer and re-transmit the same at the conclusion of the proceedings or thereafter.

11. Reply to the appeal by the Respondent

(i) Respondent may, within 30 days of service of notice of appeal file with the registry three complete sets containing reply to the appeal along with the documents in a paper book form.

(ii) A copy of every reply and a copy of every document/material annexed to the reply, relied on by the Respondent, shall be served on the appellant by the respondent.

12. Fee

(i) Every Memorandum of appeal shall be accompanied with a fee provided in sub-rule (ii) and such fee shall be remitted in the form of crossed demand draft drawn on a nationalized bank in favour of “Registrar, Food Safety Appellate Tribunal” payable at the station where the Appellate Tribunal is located.

(ii) The amount of fee payable in respect of appeal against adjudication orders passed under section 68 of the Act shall be as follows:

Sl No.	Amount of penalty imposed	Amount of fee payable
1.	Less than Rupees 10,000/-	Rs. 500/-
2.	Rupees Ten thousand or more but less than Rupees One lakh	Rs. 1,500/-
3.	Rupees One lakh or more	Rs.1500/- plus Rupees 500/- for every additional one lakh of penalty or fraction thereof subject to a maximum of Rs.5,000/-

3.3.2 General matters relating to Appellate Tribunal

1. Sitting hours of the Appellate Tribunal

The sitting hours of the Appellate Tribunal shall ordinarily be from 11:00 a.m. to 1:30 p.m. and from 2:30 p.m. to 5:00 p.m., subject to any order issued by the Presiding Officer.

Working hours of the Appellate Tribunal

(i) The office of the Appellate Tribunal shall remain open on all working days on which the State Government Offices remain open and the working hours of the office of the Appellate Tribunal shall be as applicable to working hours of the State Government in which the Appellate Tribunal is

located.

- (ii) The filing counter of the Registry shall remain open on all working days from 11:00 a.m. to 4:30 p.m.

2. Language of the Appellate Tribunal

- (i) The proceedings of the Appellate shall be conducted in English or the local language of the state.
- (ii) No document filed in the proceedings before the Appellate Tribunal in any language other than English, shall be accepted by the Appellate Tribunal unless the same is accompanied by a true copy of translation thereof in English.

3. Official seal of the Appellate Tribunal

- (i) The official seal of the Appellate Tribunal shall be such, as the Presiding Officer may from time to time specify.
- (ii) The official seal of the Appellate Tribunal shall be kept in the custody of the Registrar.
- (iii) Subject to any general or special direction given by the Presiding Officer, the official seal of the Appellate Tribunal shall not be affixed to any order, summons or other process, save under the authority in writing from the Registrar.
- (iv) The official seal of the Appellate Tribunal shall not be affixed to any certified copy issued by the Appellate Tribunal, save under the authority in writing of the Registrar.

4. Format of direction or rule

Every direction, summons, warrant or other mandatory process shall be issued in the name of the Presiding Officer and shall be signed by the Registrar or any other officer specifically authorized in that behalf by the Presiding Officer, with the day, month and year of

signing and shall be sealed with the seal of the Appellate Tribunal.

5. Carry forward of cause list and adjournment of cases on account of non-sitting of the Appellate Tribunal

If by reason of declaration of holiday or for any other unforeseen reason, the Appellate Tribunal does not function for the day, the Daily Cause List for that day shall, unless otherwise directed, be treated as the Daily Cause List for the next working day, in addition to the cases already posted for that day.

6. Record of Proceedings

Case Diaries, in each appeal, shall be kept by the clerk-in charge in such form as may be prescribed by the Presiding Officer and they shall be written legibly. The diary in the main file shall contain a concise history of the appeal or petition or application, and the substance of the order(s) passed thereon.

7. Order sheet

- (i) Order sheet shall be maintained in every proceeding and shall contain all orders passed by the Appellate Tribunal from time to time.
- (ii) Order sheet shall also contain the reference number of the appeal or petition or application, date of order and all incidental details including short cause title thereof .

8. Calling of cases in the Appellate Tribunal

Subject to any direction that may be given by the Presiding Officer, the clerk-in-charge shall call the cases listed in the cause list in the serial order.

9. Issue of notice

- (i) Where notice of an appeal or petition or application is issued by the Appellate Tribunal, copies of the same, the Affidavit in support thereof and the copy of other documents filed therewith, if any, shall be served along with the notice on the other side.
- (ii) The aforesaid copies shall show the date of presentation of the appeal or petition or application and the name of the advocate of such party, with his full address for service and the interim order, if any, made thereon.
- (iii) The Appellate Tribunal may order for issuing notice in appropriate cases and also permit the party concerned for service of the said notice on the other side by private service and in such case, deliver the notice to such party and it is for such party to file affidavit of service with proof.

10. Summons

Whenever summons or notice is ordered by private service, the appellant or applicant or petitioner as the case may be, unless already served on the other side in advance, shall arrange to serve the copy of appeal or application or petition by registered post or courier service and file affidavit of service with its proof of acknowledgment before the date fixed for hearing.

11. Steps for issue of fresh notice

If any notice is returned unserved in the circumstances not specified in Rule 3.3.3 (9) that fact and the reason thereof shall be notified immediately on the notice board of the Registry. The appellant or applicant or petitioner shall within seven days from date of such notification takes steps to serve the notice afresh.

12. Consequence of failure to take steps for issue fresh notice

Where after a summon has been issued to the other side and returned unserved and the appellant or applicant or petitioner, as the case maybe, fails to take necessary steps within a period as ordered by the Appellate Tribunal from the date of return of the notice on the respondent/s, the Registrar shall post the case before the Appellate Tribunal for further directions or for dismissal for non-prosecution.

13. Default of appearance of respondent and consequences

Where the respondent, despite effective service of summons or notice on him does not appear before the date fixed for hearing, the Appellate Tribunal may proceed to hear the appeal or application or petition ex parte and pass final orders on merits.

14. Filing of objections by respondent

- (i) The respondent, if so directed by the Appellate Tribunal, shall file objections or counter within the time allowed by the Appellate Tribunal. The objections shall be verified as an appeal or petition and wherever new facts are sought to be introduced for the first time, leave of the Appellate Tribunal shall be obtained.
- (ii) The respondent, if permitted to file objections or counter in any proceeding shall also file three copies thereof after serving copies of the same on the appellant or applicant or the petitioner or their Advocate on record or the authorized representative, as the case may be.

15. Inspection of records

The parties to any proceedings before the Appellate Tribunal or their Advocate or the authorized representative may be allowed to inspect the records of such proceedings by making an application in

that behalf to the Registrar and paying the prescribed fee for such inspection.

16. Grant of inspection

- (i) An application for inspection of record under Rule 3.3.3 (15) shall be in the prescribed form and presented at the filing counter of the Registry between 10:30 a.m. and 3:00 p.m. on any working day and three days before the date on which the inspection is sought, unless otherwise permitted by the Registrar.
- (ii) The Registry shall submit the application with its remarks before the Registrar, who shall on consideration of the same, pass appropriate orders.

17. Fee payable for inspection

Fee as may be specified by the Food Authority shall be payable on any application for inspection of records of a pending or decided case. Such fee shall be paid by way of Demand Draft to be drawn in favour of “Registrar, Food Safety Appellate Tribunal” and payable at the place where the Appellate Tribunal is located.

18. Mode of inspection

- (i) On grant of permission for inspection of the records, the Registry shall arrange to procure the records of the case and allow inspection of such records on the date and time fixed by the Registrar in the immediate presence of an officer authorised in that behalf.
- (ii) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to the records in the course of inspection.
- (iii) The person inspecting the records shall not make any marking on any record or paper so inspected and taking

notes, if any, of the documents or records inspected may be done only in pencil.

- (iv) The officer of the Registry supervising the inspection may at any time prohibit further inspection, if in his opinion, any of the records are likely to be damaged in the process of inspection or the person inspecting the records has violated or attempted to violate the provisions of these rules and shall immediately make a report about the matter to the Registrar and seek further orders from the Registrar.

19. Maintenance of Register of Inspection

The Registry shall maintain a Register for the purpose of inspection of documents or records and shall obtain therein the signature of the person making such inspection on the Register as well as on the application on the conclusion of inspection.

20. Application for production of documents and form of summons

- (i) Except as otherwise provided hereunder, discovery or production and return of documents shall be regulated by the provisions of Civil Procedure Code, 1908.
- (ii) An application for summons to produce documents shall set out the document/s production of which is sought; the relevancy of the document/s and in case where the production of a certified copy would serve the purpose, whether application was made to the proper officer and the result thereof.

21. Suo motu summoning of documents

Notwithstanding anything contained in these rules, the Appellate Tribunal, may, suo motu, issue summons for production of public documents or other documents in the custody of a public officer.

3.3.3 :Powers and functions of the Registrar and related matters

1. The Registrar shall discharge his functions under the general superintendence of the Presiding Officer. He shall discharge such other functions as are assigned to him under these rules by the Presiding Officer.
2. The Registrar shall have the custody of the records of the Appellate Tribunal.
3. The Registrar shall have the following powers and functions viz.
 - (i) registration of appeals, petitions and applications;
 - (ii) to receive applications for amendment of appeal or the petition or application or subsequent proceedings
 - (iii) subject to the directions of the Presiding Officer, to fix date of hearing of the appeal or other proceedings and issue notices thereon
 - (iv) to order grant of copies of documents to parties to proceedings.
 - (v) to dispose of all matters relating to the service of notices or other processes, application for the issue of fresh notice or for extending the time for or ordering a particular method of service on a respondent including a substituted service by publication of the notice by way of advertisement in the newspapers.
 - (vi) to requisition records from the custody of the Adjudicating officer or any other authority.
4. Preparation and publication of daily cause list:
 - (i) The Registry shall prepare and publish on the Notice Board of the Registry before the closing of working hours on each working day, the cause list for the next working day

and subject to the directions of the Presiding Officer, listing of cases in the Daily Cause List shall be in the following order of priority: cases for “pronouncement of orders”

- (a) cases for “clarification”
 - (b) cases for “admission”
 - (c) cases for “orders or directions”
 - (d) part-heard cases, latest part-heard having precedence
 - (e) cases posted as per numerical order or as directed by the Presiding Officer
- (ii) The title of the daily cause list shall contain the number of the appeal or petition or application number, the day, date and time of the sitting of the Appellate Tribunal and the Coram indicating the name of the Presiding Officer.
- (iii) Against the number of each case listed in the daily cause list, the following shall be shown namely
- (iv) the name/s of the advocate/s appearing for both sides and setting in brackets the details of the parties whom they represent
- (v) the names of the parties, if unrepresented, with their details in brackets
- (vi) The objections and special directions, if any, of the Registry shall be briefly indicated in the daily cause list in remarks column, whenever compliance is required.

3.3.4 : Orders of Appellate Tribunal and related matters

1. Order

- (i) Every order of the Appellate Tribunal shall be signed and dated by the Presiding Officer. The Presiding Officer shall have powers to pass interim orders or injunction, subject

to reasons to be recorded in writing, which he considers necessary in the interest of justice.

- (ii) Orders shall be pronounced in the sitting of the Appellate Tribunal by the Presiding Officer
- (iii) Reading of the operative portion of the order shall be deemed to be pronouncement of order.
- (iv) When orders are reserved, the date for pronouncement of order shall be notified in the cause list which shall be a valid notice of intimation of pronouncement.

2. Communication of orders

A certified copy of every order passed by the Appellate Tribunal shall be communicated to the Adjudicating Officer and to the parties, as the case may be.

3. Publication of orders

The orders of the Appellate Tribunal, as are deemed fit for publication in the press may be released for such publication on such terms and conditions as the Presiding Officer may specify.

4. Making of entries

Immediately on pronouncement of an order by the Presiding Officer, the Registrar shall make necessary endorsement on the case file regarding the date of such pronouncement and the nature of disposal and shall also make necessary entries in the diary maintained by him.

5. Indexing of case files after disposal

After communication of the order to the parties or their counsel, the Registry shall arrange the records with pagination and prepare in

the Index Sheet in such form as may be prescribed by the Appellate Tribunal. He shall affix initials and then transmit the records with the Index to the records room.

6. Copies of orders in library

- (i) The Officer in charge of the Registry shall send copies of every final order to the library.
- (ii) Copies of all final orders received in each month shall be kept at the library in a separate folder, arranged in the order of date of pronouncement, duly indexed and stitched.

7. Removal of difficulties and issue of directions

Notwithstanding anything contained in these rules, wherever the rules are silent or no provision is made, the Presiding Officer may issue appropriate directions to remove difficulties and issue such order or circulars to govern the situation or contingency that may arise in the working of the Appellate Tribunal.

FORM I
FORM OF AFFIDAVIT
Seizure of books of account and other documents
(Refer Rule 2.2.2)

I, son of/wife of/daughter of Mr. _____, aged about _____ years and residing at _____ do hereby solemnly affirm and sincerely state as follows:

- 1. I am the sole proprietor/Partner/Director/employee of _____ Private Ltd/Limited (here give the name of the firm or Company) having its Office/carrying on business//Registered Office at _____.
- 2. I say that on _____ at about _____ a.m./

p/m., the Food Safety Officer, _____ (here give the area of operation of the Food Safety Officer) inspected/ searched the premises at _____ where I am/ _____ Private Ltd./Limited is carrying on business. During the course of such inspection/ search, the Food Safety Officer has seized certain books of account and documents relating to the business.

3. I say that the books of accounts and other documents seized during the inspection/search are required for carrying on business and hence it is necessary that they be returned to me immediately.
4. At my request, the Food Safety Officer has agreed to return the books of account and other documents so seized during the inspection/search, subject to my providing him extracts or copies of such books of account and other documents. The Food Safety Officer has given me the details of the extracts or the copies required by him.
5. I say that I have caused the extracts/copies so required to be taken in the presence of the Food Safety Officer/ _____ (name) an officer working in the department of the Food Safety Officer.
6. I confirm and declare that the extracts/copies annexed to this Affidavit are the true, authentic and genuine extracts/ copies of books of account/other documents seized on _____ and in confirmation thereof, I have initialed each page of such extracts/copies.
7. I am aware that based on the solemn declarations given in this Affidavit, the Food Safety Officer has agreed to return the books of accounts and other documents seized as aforesaid on _____.
8. I hereby undertake to produce the books and accounts and other documents or any part thereof at any time as may be

required by the Designated Officer or by the Food Safety Officer or before any inquiry proceedings or before any adjudication proceedings that may be initiated by the Food Safety Officer against me or against _____
Private Ltd./Limited or both..

(SIGNATURE OF THE DEPONENT)

**Solemnly affirmed and
signed before me this _____ of
Notary Public. _____**

FORM II
SEIZURE MEMO
[Refer Rule 2.3.1]

In exercise of the power delegated to me under section 38 of the FSS Act, I hereby seize/detain the under mentioned food products/documents which contravene the provision of section _____ of this Act at the premises of

M/S _____

Sl.No.	Name of the products	Batch No.	No of units	Qty in kgs .
--------	----------------------	-----------	-------------	--------------

- 1.
- 2.
- 3.
- 4.
- 5.

The detention/seizure has been made and the inventory has been prepared in presence of the following witnesses.

Name and address of the witness _____ *signature.* _____

- 1.
- 2.

The products detained/seized have been duly sealed and are left in the custody of Shri. _____

_____ *with the instruction not to tamper with the seals and not to dispose of the products till further order.*

Signature of Manufacturer/dealer Signature of Food Safety Officer

Name

Place

Date:

FORM III
FORM OF ORDER OF SEIZURE
[Refer Rule 2.3.2.(1)]

To

(Name and address of the Food Business Operator)

.....
.....
.....

Whereas below mentioned articles of food...intended for sale which is in your possession appears to me to be adulterated/ misbranded under in violation of section _____ of FSS Act:

Sl.No.	Name of the products	Batch No.	No of units	Qty in kgs .
1.				
2.				
3.				
4.				
5.				

Now therefore under clause (c) of sub-section (1) of section 38 of the Food Safety and Standards Act, 2006 (34 of 2006), I hereby direct you to keep in your safe custody the said sealed stock subject to such orders as may be issued subsequently in relation thereto.

Food Safety Officer
Area.....

Place:
Date:

FORM IV
[Refer Rule 2.3.2.(2)]

FORM OF SURETY BOND

Know all men by these present that we (i)son ofresident ofand (ii) son of.....resident ofproprietors/partners/employees of Messrs hereinafter called the Food Business Operator (s) and (iii)..... son ofresident ofand (iv)son of resident of.....hereinafter called the surety/sureties are held and firmly borne up to the President of India/Governor of..... hereinafter called the government in the sum ofrupees to be paid to the government, for which payment will and truly be made.

We firmly bind ourselves jointly and severally by these presents.

Signed thisday of.....whereas Shri..... Food Safety Officer has seized.....(here, insert the description of materials together with number/quantity and total price hereinafter referred to as the said article) from.....(specify the place);

Whereas on the request of the Food Business Operator(s) the government has agreed to keep the said article in the safe custody of the Food Business Operator(s) executing a bond in the terms hereinafter contained and supported by surety/ two sureties which the Food Business Operator(s) has/have agreed to do. Now the condition of the above written obligation is such that if in the event of the Food Business Operator(s) failure to produce intact the said article before such court or Authority and on such dates(s) as may be specified by the said Food Safety Officer from time to time the Food Business Operator(s) and /or the surety/sureties forthwith pay to the government on demand and without a demur sum of.....rupees and there after the said bond will be void and of no effect. Otherwise

the same shall be and remain in full force and virtue.

These presents further witness as follows:

- (i) The liability of the surety/sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance, act or omission of the government whether with or without the knowledge or consent of the sureties or either of them in respect of or in relation to all or any of the obligations or conditions to be performed or discharged by the Food Business Operator(s). Nor shall it be necessary for the government to sue the Food Business Operator(s) before suing the sureties or either of them for the amount due, hereunder.
- (ii) This Bond is given under the Food Safety and Standards Act,2006 for the performance of an Act in which the public are interested.
- (iii) The government shall bear the stamp duty payable on these presents.

In witness whereof these presents have been signed by the Food Business Operator(s) and the surety/sureties the day hereinabove mentioned and by Shri.....on behalf of the President of India on the date appearing below against his signature.

Witnesses: 1..... (Signature)
(Name and address).....

2..... (Signature)
(Name and address).....

Signature..... (Food Business Operator).....

Signature..... (Food Business Operator).....

Signature..... (Surety).....

Signature..... (Surety).....

for and on behalf of the President
of India / governor of state of.
Signature..... (Designation).....

FORM VA
FORM OF NOTICE To THE Food Business Operator
(Refer Rule 2.4.1. (3))

To

.....
.....

Dear Sir/s/ Madam:

I have this day taken the samples of food from premises/shop/
market ofsituated atas specified
below to have the same analysed by the Food Analyst for
_____.

Details of food:

Code number:

Parameter to be tested:

1. As per the FSSAI Standards for the specific products
2. Any additional test to be performed if any

Place:

(Sd/-) Food Safety

Date:

Officer/Authorized

Officer.

Address:

Acknowledgement:

Sign of Food Business Operator

Witnesses

Witnesses

FORM VB
(form of notice to be given by purchaser)
(Refer Rule 2.4.4 (2))

To

.....

.....

Dear Sir/s/ Madam:

I have this day taken the samples of food from premises/
shop/ market ofsituated atas
specified below to have the same analysed by the Food Analyst
for_____.

Details of food:

Code number:

Parameter to be tested:

1. As per the FSSAI Standards for the specific products
2. Any additional test to be performed if any

Place:

Date:

Address:

FORMVI

MEMORANDUM TO FOOD ANALYST

From:

.....
.....

Date: _____

To

Food Analyst

.....
.....

MEMORANDUM (Refer Rule 2.4.1(11))

1. The sample described below is sent herewith for analysis under _____ of _____ of section _____ of Food Safety and Standards Act, 2006
 - (i) Code Number
 - (ii) Date and place of collection
 - (iii) Name/Nature of articles submitted for analysis
 - (iv) Name/Nature and quantity of preservative, if any, added to the sample.
2. A copy of this memo and specimen impression of the seal used to seal the packet of sample are being sent separately by post/courier/hand delivery (strike out whichever is not applicable)

(Sd/) Food Safety Officer
Address:

FORM VIIA
[Refer Rule 2.4.4(6)]

REPORT OF THE FOOD ANALYST

Report No. _____.

Certified that I _____ (name of the Food Analyst) duly appointed under the provisions of Food Safety and Standards Act, 2006 (34 of 2006), for _____ (name of the local area) have received from _____ * a sample of , bearing Code number and Serial Number _____ of Designated Officer of _____ area* on _____ (date of receipt of sample) for analysis.

The condition of seals on the container and the outer covering on receipt was as follows: Intact/damaged/missing (delete where inapplicable)

I found the sample to be (category of the sample) falling under item No. _____ of Chapter 5 of Food Safety and Standards Regulations. The sample was in a condition fit for analysis and has been analysed on _____ (give date of starting and completion of analysis) and the result of its analysis is given below/ was not in a condition fit for analysis for the reason given below:

Reasons:
.....

Analysis Report
Refer Rule 2.4.2 (5)

(i) Sample Description (What it contains)

.....

(ii) Physical Appearance of sample/container

.....
(iii) Label declaration.
.....

Sl. No.	Q u a l i t y characteristics	Nature of method of test used	Result of	Prescribed standards as per (a) provisions of the FSS Act, Rules and Regulations
1.				
2.				
3.				
4.				
5.				
6.				

Report (sample wise)

-adulterated/misbranded/within norms/ violates provision of(delete where not applicable)

-any other observations

Signed this _____ day of _____ 20

Address:

(Sd/-) Food Analyst.

* Give the details of the senders

** Strike out whichever is not applicable

*** When opinion and interpretation are included, document the basis upon which the opinions/interpretations have been made.

FORMVIII

[Refer Rule 2.4.6 (1)]

FORM OF APPEAL BEFORE THE DESIGNATED OFFICER

APPEAL BEFORE THE DESIGNATED OFFICER

(PLACE)

In the matter of appeal under section 46 (4) of The Food Safety and Standards Act 2006 (34 of 2006)

AND

In the matter of appeal against the report dated _____ from the Food Analyst

1. No. and date of the report of the Food Analyst against which the appeal is being preferred
2. Brief details of the facts and the grounds on which the report is being challenged
3. Relief being claimed

Signature of Appellant

FORM NO. IX
(Form of Nomination – Refer rule 2.5.1)

NOMINATION OF PERSONS BY A COMPANY

Being the proprietor or a signatory authorized by the board of directors of the company in terms of Rule 2.5.1 (2), I do hereby gives notice that the following persons(s) is/are nominated as the person(s) in charge of establishment, branch or the unit mentioned against the name of the person(s) and shall be responsible and liable for food safety or any contravention of the Act and rules/regulations or directions issued thereunder in respect of the concerned establishment/branch/unit. The person(s) shall take all such steps as may be necessary to prevent the commission by the Company of any offence under and comply with the provisions of Food Safety and Standards Act, 2006 and the Rules and Regulations made thereunder.

Branch wise/office wise nomination .

Establishment/branch/unit name	Name and Sign of Person i/c
1.	1.
2.	2.
3.	3.

A certified copy of the resolution of the board regarding the authorized signatory, dated _____ is enclosed.

Place: _____ For _____ Ltd./Private Ltd. Date: _____

1. Authorized signatory of the company

Place:

Date:

FORMX
(Refer Rule (i) of 3.3.1 (2))

FORM OF APPEAL

**BEFORE THE FOOD SAFETY APPELLATE TRIBUNAL (PLACE OF
THE TRIBUNAL)**

In the matter of Food Safety and Standards Act, 2006 (34 of 2006)

AND

**In the matter of appeal against the order dated _____
passed by the Adjudicating Officer, (Place)**

APPEAL NO. _____ OF _____

A.B. .. Appellant

Vs

C.D ... Respondent

For use in Appellate Tribunal's office

Date of presentation in the registry

Date of receipt by post

Registration No.

Signature (Registrar)

INDEX

(Specimen Index)

Sl No.	EXHIBIT	PARTICULARS	No.	Page
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1.		Memorandum of Appeal
2.	A	Copy of the Show Cause Notice dated _____ issued by the Adjudicating Officer
3.	B	Copy of the Reply dated _____ sent by the Appellant to the Show Cause Notice.
4.	C	Copy of the letter dated _____ sent by the Appellant to the Adjudicating Officer
5.	D	Copy of the impugned order dated _____

MEMORANDUM OF APPEAL

1. Particulars of the Appellant

- (i) Name of the Appellant: AB
- (ii) Address of the Appellant:
- (iii) Address for service of all notices
- (iv) Telephone/Fax No.
E-mail address, if any

2. Particulars of the Respondent

- (i) Name of the Respondent : C.D.
- (ii) Address of the Respondent:
- (iii) Address for service of all notices
- (iv) Telephone/Fax No.
e-mail address, if any

3. Jurisdiction of the Appellate Tribunal

The Appellant declares that the matter of appeal falls within the jurisdiction of the Appellate Tribunal.

4. Limitation

The Appellant further declares that the appeal is within the limitation as prescribed in Rule 3.3.1 (2)

5. Facts of the case

Here give a concise statement of facts of the case and grounds of appeal against the specified order, in a chronological order, each paragraph containing as neatly as possible as separate issue, fact or otherwise)

6. Relief(s) sought

In view of the facts mentioned in paragraph 5 and the grounds on which the impugned order is challenged, the Appellant prays for the following relief(s)

(Here specify the relief(s) sought and the legal provision, if any, relied upon)

7. Interim relief(s) sought (if prayed for)

Pending the final decision in the appeal, the Appellant seeks the following interim relief (s).

(Here specify the interim relief(s) prayed for and the reasons therefore)

8. Matters not pending with any other court

The Appellant further declares that the matter regarding which this appeal has been filed, is not pending before any court of law or any other authority or any other Tribunal.

9. Particulars of fee paid

- (i) Amount of fee Rs. _____
- (ii) Name of the bank on which
the Demand Draft is drawn _____ Bank
- (iii) Demand draft No. and date

10. Details of Index

An index containing the details of the documents relied upon is enclosed.

11. List of enclosures

(Signature of the Appellant)

VERIFICATION

I, son /wife/daughter of Mr. _____ being the Appellant do hereby verify that the contents of paragraphs 1 to 11 are true to my personal knowledge and belief and that I have not suppressed any material fact.

(Signature of the Appellant)

Place:

Date:

[F.No. P15017/20/2009-FSSAI(Pt)

**(L.C. Goyal)
Additional Secretary and
D.G. (C.G.H.S.)**

**To
The manager,
Govt of India Press,
Maya puri,
Delhi.**

**THE FOOD SAFETY AND STANDARDS
(LICENSING AND REGISTRATION OF
FOOD BUSINESSES), REGULATIONS,
2011**

MINISTRY OF HEALTH AND FAMILY WELFARE

(Food Safety and Standards Authority of India)

Notification

New Delhi, dated the 1st August, 2011

F.No. 2-15015/30/2010 Whereas in exercise of the powers conferred by clause (k) of subsection (2) of section 92 read with section 23 of Food Safety and Standards Act, 2006 (34 of 2006) the Food Safety and Standards Authority of India proposes to make Food Safety and Standards Regulations in so far they relates to Food Safety and Standards (Packaging and Labelling) Regulations, 2011, and;

Whereas these draft Regulations were published in consolidated form at pages 1 to 776 in the Gazette of India Extraordinary Part III – Sec. 4 dated 20th October 2010 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the Gazette were made available to the public on the 21st October 2010;

And whereas objections and suggestions received from the stakeholders within the specified period on the said draft Regulations have been considered and finalized by the Food Safety and Standards Authority of India.

Now therefore, the Food Safety and Standards Authority of India hereby makes the following Regulations, namely,—

FOOD SAFETY AND STANDARDS (PACKAGING AND
LABELLING) REGULATIONS, 2011

CHAPTER 1
GENERAL

1.1 : Short title and commencement

1.1.1 : These regulations may be called the Food Safety and Standards (Packaging and labelling) Regulations, 2011

1.1.2: These regulations shall come into force on or after 5th August, 2011

1.2 : Definitions—

1.2.1: In these regulations unless the context otherwise requires:

1. “Best before” means the date which signifies the end of the period under any stated storage conditions during which the food shall remain fully marketable and shall retain any specific qualities for which tacit or express claims have been made and beyond that date, the food may still be perfectly safe to consume, though its quality may have diminished. However the food shall not be sold if at any stage the product becomes unsafe.
2. “Date of manufacture” means the date on which the food becomes the product as described;
3. “Date of packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold;
4. “Infant” means a child not more than twelve months of age;
5. “Lot number” or “code number” or “batch number” means the number either in numericals or alphabets or in combination thereof, representing the lot number or code number or batch number, being preceded by the words “Lot

No” or “Lot” or “code number” or “Code” or Batch No” or “Batch” or any distinguishing prefix by which the food can be traced in manufacture and identified in distribution.

6. “Multipiece package” means a package containing two or more individually packaged or labelled pieces of the same commodity of identical quantity, intended for retail either in individual pieces or packages as a whole.
7. “Non- Vegetarian Food” means an article of food which contains whole or part of any animal including birds, fresh water or marine animals or eggs or products of any animal origin, but excluding milk or milk products, as an ingredient;
8. “Prepackaged” or “Pre-packed food”, means food, which is placed in a package of any nature, in such a manner that the contents cannot be changed without tampering it and which is ready for sale to the consumer.

Note: The expression “package” wherever it occurs in these Regulations, shall be construed as package containing pre-packed food articles.

9. “Principal Display Panel” means that part of the container/ package which is intended or likely to be displayed or presented or shown or examined by the customer under normal and customary conditions of display, sale or purchase of the commodity contained therein.
10. “Use – by date” or “Recommended last consumption date” or “Expiry date” means the date which signifies the end of the estimated period under any stated storage conditions, after which the food probably will not have the quality and safety attributes normally expected by the consumers and the food shall not be sold;
11. “Vegetarian Food” means any article of Food other than Non- Vegetarian Food as defined in regulation 1.2.1 (7).

12. “Wholesale package” means a package containing —
- (a) a number of retail packages, where such first mentioned package is intended for sale, distribution or delivery to an intermediary and is not intended for sale direct to a single consumer; or
 - (b) a commodity of food sold to an intermediary in bulk to enable such intermediary to sell, distribute or deliver such commodity of food to the consumer in smaller quantities.

CHAPTER-2 PACKAGING AND LABELLING

2.1 : Packaging

2.1.1 : General Requirements

1. A utensil or container made of the following materials or metals, when used in the preparation, packaging and storing of food shall be deemed to render it unfit for human consumption:—
 - (a) containers which are rusty;
 - (b) enameled containers which have become chipped and rusty;
 - (c) copper or brass containers which are not properly tinned
 - (d) containers made of aluminium not conforming in chemical composition to IS:20 specification for Cast Aluminium & Aluminium Alloy for utensils or IS:21 specification for Wrought Aluminium and Aluminium Alloy for utensils.
2. Containers made of plastic materials should conform to the following Indian Standards Specification, used as appliances or receptacles for packing or storing whether

partly or wholly, food articles namely :—

- (i) IS : 10146 (Specification for Polyethylene in contact with foodstuffs);
- (ii) IS : 10142 (Specification for Styrene Polymers in contact with foodstuffs);
- (iii) IS : 10151 (Specification for Polyvinyl Chloride (PVC), in contact with foodstuffs);
- (iv) IS : 10910 (Specification for Polypropylene in contact with foodstuffs);
- (v) IS : 11434 (Specification for Ionomer Resins in contact with foodstuffs);
- (vi) IS: 11704 Specification for Ethylene Acrylic Acid (EAA) copolymer.
- (vii) IS: 12252 - Specification for Poly alkyene terephthalates (PET).
- (viii) IS: 12247 - Specification for Nylon 6 Polymer;
- (ix) IS: 13601 - Ethylene Vinyl Acetate (EVA);
- (x) IS: 13576 - Ethylene Metha Acrylic Acid (EMAA);
- (xi) Tin and plastic containers once used, shall not be re-used for packaging of edible oils and fats;

Provided that utensils or containers made of copper though not properly tinned, may be used for the preparation of sugar confectionery or essential oils and mere use of such utensils or containers shall not be deemed to render sugar confectionery or essential oils unfit for human consumption.

3. General packaging requirements for Canned products,

- (i) All containers shall be securely packed and sealed.
- (ii) The exterior of the cans shall be free from major

dents, rust, perforations and seam distortions.

(iii) Cans shall be free from leaks.

2.1.2 : Product specific requirements

1. Packaging requirements for Milk and Milk Products

(a) Bottling or filling of containers with heat-treated milk and milk product shall be carried out mechanically and the sealing of the containers shall be carried out automatically.

(b) Wrapping or packaging may not be re-used for dairy products, except where the containers are of a type which may be re-used after thorough cleaning and disinfecting.

(c) Sealing shall be carried out in the establishment in which the last heat-treatment of drinking milk or liquid milk-base products has been carried out, immediately after filling, by means of a sealing device which ensures that the milk is protected from any adverse effects of external origin on its characteristic. The sealing device shall be so designed that once the container has been opened, the evidence of opening remains clear and easy to check.

(d) Immediately after packaging, the dairy products shall be placed in the rooms provided for storage.

2. Packaging requirements for Edible oil/ fat:

Tin Plate used for the manufacture of tin containers for packaging edible oils and fats shall conform to the standards of prime grade quality contained in B.I.S. Standards No. 1993 or 13955 or 9025 or 13954 as amended from time to time and in respect of Tin containers for packaging edible oils and fats shall conform to IS No. 10325 or 10339 as amended from time to time.

3. Packaging requirements for Fruits and Vegetables Products

(i) Every container in which any fruit product is packed

shall be so sealed that it cannot be opened without destroying the licensing number and the special identification mark of the manufacture to be displayed on the top or neck of the bottle.

(ii) For Canned fruits, juices and vegetables, sanitary top cans made up of suitable kind of tin plates shall be used.

(iii) For Bottled fruits, juices and vegetables, only bottles/ jars capable of giving hermetic seal shall be used.

(iv) Juices, squashes, crush, cordials, syrups, barley waters and other beverages shall be packed in clean bottles securely sealed. These products when frozen and sold in the form of ice shall be packed in suitable cartons. Juices and Pulps may be packed in wooden barrels when sulphited.

(v) For packing Preserves, Jams, Jellies, and Marmalades, new cans, clean jars, new canisters, bottles, chinaware jars, aluminium containers may be used and it shall be securely sealed.

(vi) For Pickles, clean bottles, jars, wooden casks, tin containers covered from inside with polythene lining of 250 gauge or suitable lacquered cans shall be used.

(vii) For Tomato Ketchups and Sauces, clean bottles shall be used. If acidity does not exceed 0.5% as acetic acid, open top sanitary cans may also be used.

(viii) Candied fruits and peels and dried fruits and vegetables can be packed in paper bags, cardboard or wooden boxes, new tins, bottles, jars, aluminium and other suitable approved containers.

(ix) Fruits and Vegetable products can also be packed in aseptic and flexible packaging material having good grade quality conforming to the standards laid down by BIS.

4. Packaging requirements for Canned Meat Products

(i) New sanitary top cans made from suitable kind of tin plate shall be used. The cans shall be lacquered internally; they shall be sealed hermetically after filling. The lacquer used shall be sulphur resistant and shall not be soluble in fat or brine.

(ii) Cans used for filling pork luncheon meat shall be coated internally with edible gelatin, lard or lined with vegetable parchment paper before being filled.

(iii) Meat products packed in hermetically sealed containers shall be processed to withstand spoilage under commercial conditions of storage and transport.

5. Packaging requirements for Drinking Water (Both Packaged and Mineral Water)

It shall be packed in clean, hygienic, colourless, transparent and tamperproof bottles/containers made of polyethylene (PE) (conforming to IS:10146 or polyvinyl chloride (PVC) conforming to IS : 10151 or polyalkylene terephthalate (PET and PBT) conforming to IS : 12252 or polypropylene conforming to IS : 10910 or foodgrade polycarbonate or sterile glass bottles suitable for preventing possible adulteration or contamination of the water.

All packaging materials of plastic origin shall pass the prescribed overall migration and colour migration limits.

2.2 : Labelling

2.2.1 : General Requirements

1. Every prepackaged food shall carry a label containing information as required here under unless otherwise provided, namely,—
2. The particulars of declaration required under these Regulations to be specified on the label shall be in English

or Hindi in Devnagri script:

Provided that nothing herein contained shall prevent the use of any other language in addition to the language required under this regulation.

3. Pre-packaged food shall not be described or presented on any label or in any labelling manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect;
4. Label in pre-packaged foods shall be applied in such a manner that they will not become separated from the container;
5. Contents on the label shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use;
6. Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper and not obscured by it;

2.2.2 : Labelling of Pre-packaged Foods

In addition to the General Labelling requirements specified in 2.2.1 above every package of food shall carry the following information on the label, namely,—

1. The Name of Food: The name of the food shall include trade name or description of food contained in the package.
2. List of Ingredients: Except for single ingredient foods, a list of ingredients shall be declared on the label in the following manner:—
 - (a) The list of ingredients shall contain an appropriate title, such as the term “Ingredients”;
 - (b) The name of Ingredients used in the product shall be

listed in descending order of their composition by weight or volume, as the case may be, at the time of its manufacture;

(c) A specific name shall be used for ingredients in the list of Ingredients;

Provided that for Ingredients falling in the respective classes, the following class titles may be used, namely:—

Classes	Class Titles
Edible vegetable oils/Edible vegetable fat	Edible vegetable oil/ Edible vegetable fat or both hydrogenated or Partially hydrogenated oil
Animal fat / oil other than milk fat	Give name of the source of fat. Pork fat, lard and beef fat or extracts thereof shall be declared by specific names
Starches, other than chemically modified starches	Starch
All species of fish where the fish constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a species of fish	Fish
All types of poultry meat where such meat constitutes an ingredient of another food and provided that the labelling and presentation of such a food does not refer to a specific type of poultry meat	Poultry meat

All types of cheese where cheese or mixture of cheeses constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific type of cheese	Cheese
All spices and condiments and their extracts	Spices and condiments or mixed spices/ condiments as appropriate
All types of gum or preparations used in the manufacture of gum base for chewing gum	Gum Base
Anhydrous dextrose and dextrose monohydrate	Dextrose or Glucose
All types of Caseinates	Caseinates
Press, expeller or refined cocoa butter	Cocoa butter
All crystallized fruit	Crystallized fruit
All milk and milk products derived solely from milk	Milk solids
Cocoa bean, Coconib, Cocomass, Cocoa press cakes, Cocoa powder (Fine/Dust)	Cocoa solids

Provided further that pork fat, lard and beef fat or extract thereof shall be declared by their specific names;

(d) Where an ingredient itself is the product of two or more ingredients, such a compound ingredients shall be declared in the list of ingredients, and shall be accompanied by a list, in brackets, of its ingredients in descending order of weight or volume, as the case may be:

Provided that where a compound ingredient, constitutes

less than five percent of the food, the list of ingredients of the compound ingredient, other than food additive, need not to be declared;

(e) Added water shall be declared in the list of ingredients except in cases where water forms part of an ingredient, such as, brine, syrup or broth, used in the compound food and so declared in the list of ingredients:

Provided that water or other volatile ingredients evaporated in the course of manufacture need not be declared;

Provided further that in the case of dehydrated or condensed food, which are intended to be reconstituted by addition of water, the ingredients in such reconstituted food shall be declared in descending order of weight or volume as the case may be, and shall contain a statement such as “Ingredients of the product when prepared in accordance with the directions on the label”;

(f) Every package of food sold as a mixture or combination shall disclose the percentage of the ingredient used at the time of the manufacture of the food (including compound ingredients or categories of ingredients), if such ingredient—

- (i) is emphasised as present on the label through words or pictures or graphics; or
- (ii) is not within the name of the food but, is essential to characterise the food and is expected to be present in the food by consumers, and if the omission of the quantitative ingredient declaration will mislead or deceive the consumer.

Provided that where the ingredient has been used as flavouring agent, the disclosure of such ingredient is not required:

Provided further that where the drained net weight is

indicated on the label as required or in case of such food products where specific provisions are stipulated under these Regulations or where a pictorial representation of a serving suggestion is made for consumer information and use, the disclosure of such ingredient is not required.

Provided further that in case of any bottle containing liquid milk or liquid beverage having milk as an ingredient, soft drink, carbonated water or ready-to-serve fruit beverages, the declarations with regard to addition of fruit pulp and fruit juice shall invariably appear on the body of the bottle.

3. Nutritional information – Nutritional Information or nutritional facts per 100 gm or 100ml or per serving of the product shall be given on the label containing the following:—

- (i) energy value in kcal;
- (ii) the amounts of protein, carbohydrate (specify quantity of sugar) and fat in gram (g) or ml;
- (iii) the amount of any other nutrient for which a nutrition or health claim is made:

Provided that where a claim is made regarding the amount or type of fatty acids or the amount of cholesterol, the amount of saturated fatty acids, monounsaturated fatty acids and polyunsaturated fatty acids in gram (g) and cholesterol in milligram (mg) shall be declared, and the amount of trans fatty acid in gram (g) shall be declared in addition to the other requirement stipulated above;

- (iv) Wherever, numerical information on vitamins and minerals is declared, it shall be expressed in metric units;
- (v) Where the nutrition declaration is made per serving, the amount in gram (g) or milliliter (ml) shall be included for reference beside the serving measure;

Provided that the food claimed to be enriched with nutrients, such as, minerals, proteins, vitamins, metals or their compounds, amino acids or enzymes shall give the quantities of such added nutrients on the label.

Provided that —

(i) the nutritional information may not be necessary, in case of foods such as raw agricultural commodities, like, wheat, rice, cereals, spices, spice mixes, herbs, condiments, table salt, sugar, jaggery, or non –nutritive products, like, soluble tea, coffee, soluble coffee, coffee-chicory mixture, packaged drinking water, packaged mineral water, alcoholic beverages or fruit and vegetables, processed and pre- packaged assorted vegetables, fruits, vegetables and products that comprise of single ingredient, pickles, papad, or foods served for immediate consumption such as served in hospitals, hotels or by food services vendors or halwais, or food shipped in bulk which is not for sale in that form to consumers.

(ii) The compliance to quantity of declared nutrients on the label shall be according to the established practices.

Explanation — For the purpose of this provision, at the time of analysis, due consideration, based on shelf-life, storage, and inherent nature of the food shall be kept in view in case of quantity declared nutrients;

(iii) The food, in which hydrogenated vegetable fats or bakery shortening is used shall declare on the label that ‘hydrogenated vegetable fats or bakery shortening used-contains trans fats;

Provided further that, a health claim of ‘trans fat free’ may be made in cases where the trans fat is less than 0.2 gm per serving of food and the claim ‘saturated fat free’ may be made in cases where the saturated fat does not exceed 0.1

gm per 100 gm or 100 ml of food.

For the purpose of regulation 2.2.2 (3);

(i) “Health claims” means any representation that states, suggests or implies that a relationship exists between a food or a constituent of that food and health and include nutrition claims which describe the physiological role of the nutrient in growth, development and normal functions of the body, other functional claims concerning specific beneficial effect of the consumption of food or its constituents, in the context of the total diet, on normal functions or biological activities of the body and such claims relate to a positive contribution to health or to the improvement of function or to modifying or preserving health, or disease, risk reduction claim relating to the consumption of a food or food constituents, in the context of the total diet, to the reduced risk of developing a disease or health related condition;

(ii) “Nutrition claim” means any representation which states, suggests or implies that a food has particular nutritional properties which are not limited to the energy value but include protein, fat carbohydrates, vitamins and minerals;

(iii) “Risk reduction” in the context of health claims means significantly altering a major risk factor for a disease or health-related condition;

Provided further that in the case of returnable new glass bottle manufactured and used for packing of such beverages on or after 19th March 2009, the list of ingredient and nutritional information shall be given on the bottle.

4. Declaration regarding Veg or Non veg –

(i) Every package of “Non Vegetarian” food shall bear a declaration to this effect made by a symbol and colour code as stipulated below to indicate that the product is

Non-Vegetarian Food. The symbol shall consist of a brown colour filled circle having a diameter not less than the minimum size specified in the Table mentioned in the regulation 2.2.2 (4) (iv), inside a square with brown outline having sides double the diameter of the circle as indicated below :



(ii) Where any article of food contains egg only as Non-Vegetarian ingredient, the manufacturer, or packer or seller may give declaration to this effect in addition to the said symbol.

(iii) Every package of Vegetarian Food shall bear a declaration to this effect by a symbol and colour code as stipulated below for this purpose to indicate that the product is Vegetarian Food. The symbol shall consist of a green colour filled circle, having a diameter not less than the minimum size specified in the Table below, inside the square with green outline having size double the diameter of the circle, as indicated below :



(iv) Size of the logo

Sl No.	Area of principal display panel	Minimum size of diameters in mm
1.	Upto 100 cms. Square.	3
2.	Above 100 cms. square upto 500 cms square.	4
3.	Above 500 cms square upto 2500 cms square.	6
4.	Above 2500 cms. Square.	8

The symbol shall be prominently displayed

- (i) on the package having contrast background on principal display panel;
- (ii) just close in proximity to the name or brand name of the product;
- (iii) on the labels, containers, pamphlets, leaflets, advertisements in any media;

Provided also that the provisions of regulation 2.2.2(4) shall not apply in respect of mineral water or packaged drinking water or carbonated water or alcoholic drinks, or liquid milk and milk powders.

5. Declaration regarding Food Additives-

- (i) For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following class titles shall be used together with the specific names or recognized international numerical identifications:

Acidity Regulator, Acids, Anticaking Agent, Antifoaming Agent, Antioxidant, Bulking Agent, Colour, Colour Retention Agent, Emulsifier, Emulsifying Salt, Firming Agent, Flour Treatment Agent, Flavour Enhancer, Foaming Agent, Gelling Agent, Glazing Agent, Humectant, Preservative, Propellant, Raising Agent, Stabilizer, Sweetener, Thickener:

- (ii) Addition of colours and/or Flavours—
 - (a) Extraneous addition of colouring matter to be mentioned on the label – Where an extraneous colouring matter has been added to any article of food, there shall be displayed one of the following statements in capital letters, just beneath the list of the ingredients on the label attached to any package

of food so coloured, namely:

CONTAINS PERMITTED NATURAL COLOUR(S)

OR

CONTAINS PERMITTED SYNTHETIC FOOD COLOUR(S)

OR

CONTAINS PERMITTED NATURAL AND SYNTHETIC FOOD
COLOUR(S)

Provided that where such a statement is displayed along with the name or INS no of the food colour, the colour used in the product need not be mentioned in the list of ingredients.

- (b) Extraneous addition of flavouring agents to be mentioned on the label.

Where an extraneous flavouring agent has been added to any article of food, there shall be written just beneath the list of ingredients on the label attached to any package of food so flavoured, a statement in capital letters as below :

CONTAINS ADDED FLAVOUR (specify type of flavouring agent as per Regulation 3.1.10(1) of Food Safety and Standards (Food product standards and food additive) Regulation, 2011

- (c) In case both colour and flavour are used in the product, one of the following combined statements in capital letters shall be displayed, just beneath the list of ingredients on the label attached to any package of food so coloured and flavoured, namely :—

CONTAINS PERMITTED NATURAL COLOUR(S) AND ADDED
FLAVOUR(S)

OR

CONTAINS PERMITTED SYNTHETIC FOOD COLOUR(S)
AND ADDED FLAVOUR(S)

OR

CONTAINS PERMITTED NATURAL AND SYNTHETIC FOOD
COLOUR(S) AND ADDED FLAVOUR(S)

Provided that in case of artificial flavouring substances, the label shall declare the common name of the flavours, but in case of the natural flavouring substances or nature identical flavouring substances, the class name of flavours shall be mentioned on the label and it shall comply with the requirement of label declaration as specified under the regulation 2.2.2 (5) (ii)

Note: — When statement regarding addition of colours and/or flavours is displayed on the label in accordance with regulation 2.2.2(5)(ii) and regulation 3.2.1 of Food Safety and Standards (Food Product Standards and Food Additive) Regulation, 2011, addition of such colours and/or flavours need not be mentioned in the list of ingredients. Also, in addition to above statement, the common name or class name of the flavour shall also be mentioned on label.

Provided further that when combined declaration of colours and flavours are given, the International Numerical Identification number of colours used shall also be indicated either under the list of ingredients or along with the declaration.

Provided also further that every package of synthetic food colours preparation and mixture shall bear a label upon which is printed a declaration giving the percentage of total dye content

6. Name and complete address of the manufacturer
 - (i) The name and complete address of the manufacturer and the manufacturing unit if these are located at different places and in case the manufacturer is not the packer or

bottler, the name and complete address of the packing or bottling unit as the case may be shall be declared on every package of food;

(ii) Where an article of food is manufactured or packed or bottled by a person or a company under the written authority of some other manufacturer or company, under his or its brand name, the label shall carry the name and complete address of the manufacturing or packing or bottling unit as the case may be, and also the name and complete address of the manufacturer or the company, for and on whose behalf it is manufactured or packed or bottled;

(iii) Where an article of food is imported into India, the package of food shall also carry the name and complete address of the importer in India.

Provided further that where any food article manufactured outside India is packed or bottled in India, the package containing such food article shall also bear on the label, the name of the country of origin of the food article and the name and complete address of the importer and the premises of packing or bottling in India.

7. Net quantity

- (i) Net quantity by weight or volume or number, as the case may be, shall be declared on every package of food; and
- (ii) In addition to the declaration of net quantity, a food packed in a liquid medium shall carry a declaration of the drained weight of the food.

Explanation 1.— For the purposes of this requirement the expression “liquid medium” include water, aqueous solutions of sugar and salt, fruit and vegetable juices or vinegar, either singly or in combination.

Explanation 2.— In declaring the net quantity of the commodity contained in the package, the weight of the

wrappers and packaging materials shall be excluded:

- (iii) Where a package contains a large number of small items of confectionery, each of which is separately wrapped and it is not reasonably practicable to exclude from the net weight of the commodity, the weight of such immediate wrappers of all the items of the confectionery contained in the package, the net weight declared on the package containing such confectionery or on the label thereof may include the weight of such immediate wrapper if the total weight of such immediate wrapper does not exceed –
 - (a) eight per cent, Where such immediate wrapper is a waxed paper or other paper with wax or aluminium foil under strip; or
 - (b) six per cent. In case of other paper of the total net weight of all the items of confectionery contained in the package minus the weight of immediate wrapper.

8. Lot/Code/Batch identification

A batch number or code number or lot number which is a mark of identification by which the food can be traced in the manufacture and identified in the distribution, shall be given on the label.

Provided that in case of packages containing bread and milk including sterilised milk, particulars under this clause shall not be required to be given on the label.

9. Date of manufacture or packing.—

The date, month and year in which the commodity is manufactured, packed or pre-packed, shall be given on the label:

Provided that the month and the year of manufacture, packing or pre-packing shall be given if the “Best Before Date” of the products is more than three months:

Provided further that in case any package contains commodity which has a short shelf life of less than three months, the date, month and year in which the commodity is manufactured or prepared or pre-packed shall be mentioned on the label.

10. Best Before and Use By Date

(i) the month and year in capital letters upto which the product is best for consumption, in the following manner, namely:—

“BEST BEFORE MONTHS AND YEAR

OR

“BEST BEFORE MONTHS FROM PACKAGING

OR

“BEST BEFOREMONTHS FROM MANUFACTURE

(Note: — blank be filled up)

(ii) In case of package or bottle containing sterilised or Ultra High Temperature treated milk, soya milk, flavoured milk, any package containing bread, dhokla, bhelpuri, pizza, doughnuts, khoa, paneer, or any uncanned package of fruits, vegetable, meat, fish or any other like commodity, the declaration be made as follows:—

“BEST BEFOREDATE/MONTH/YEAR”

OR

“BEST BEFORE.....DAYS FROM PACKAGING”

OR

“BEST BEFORE DAYS FROM MANUFACTURE”

Note:

- (a) blanks be filled up
- (b) Month and year may be used in numerals
- (c) Year may be given in two digits
- (iii) On packages of Aspartame, instead of Best Before date, Use by date/recommended last consumption date/ expiry date shall be given, which shall not be more than three years from the date of packing;
- (iv) In case of infant milk substitute and infant foods instead of Best Before date, Use by date/ recommended last consumption date/expiry date shall be given,

Provided further that the declaration of best before date for consumption shall not be applicable to

- (i) wines and liquors
- (ii) alcoholic beverages containing 10 percent or more by volume of alcohol.

Provided further that above provisions except net weight/ net content, nutritional information, manufacturer's name and address, date of manufacture and "best before" shall not apply in respect of carbonated water (plain soda and potable water impregnated with carbon dioxide under pressure) packed in returnable glass bottles

11. Country of origin for imported food:

- (i) The country of origin of the food shall be declared on the label of food imported into India.
- (ii) When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

12. Instructions for use:

- (i) Instructions for use, including reconstitution, where

applicable, shall be included on the label, if necessary, to ensure correct utilization of the food.

2.3 : Manner of declaration

2.3.1 : General Conditions

1. Any information or pictorial device written, printed, or graphic matter may be displayed in the label provided that it is not in conflict with the requirements of these Regulations.
2. Every declaration which is required to be made on package under these regulations shall be:
 - (i) Legible and prominent, definite, plain and unambiguous
 - (ii) Conspicuous as to size number and colour,
 - (iii) as far as practicable, in such style or type of lettering as to be boldly, clearly and conspicuously present in distinct contrast to the other type, lettering or graphic material used on the package, and shall be printed or inscribed on the package in a colour that contrasts conspicuously with the background of the label

Provided that —

- (a) Where any label information is blown, formed or moulded on a glass or plastic surface or where such information is embossed or perforated on a package, that information shall not be required to be presented in contrasting colours:
 - (b) Where any declaration on a package is printed either in the form of a handwriting or hand script, such declaration shall be clear, unambiguous and legible.
3. No declaration shall be made so as to require it to be read through any liquid commodity contained in the package.

4. Where a package is provided with an outside container or wrapper, such container or wrapper shall also contain all the declarations which are required to appear on the package except where such container or wrapper itself is transparent and the declarations on the package are easily readable through such outside container or wrapper.
5. Labels not to contain false or misleading statements: A label shall not contain any statement, claim, design, device, fancy name or abbreviation which is false or misleading in any particular concerning the food contained in the package, or concerning the quantity or the nutritive value or in relation to the place of origin of the said food:

Provided that this regulation shall not apply in respect of established trade or fancy names of confectionery, biscuits and sweets, such as, barley,sugar,bull's eye, cream cracker or in respect of aerated waters, such as, Ginger Beer or Gold-Spot or any other name in existence in international trade practice.

- 2.3.2 Principal display panel: The information required under these Regulations shall be given on the principal display panel of the package or container and such information may be given in the following manner.
 - (a) All information should be grouped together and given at one place.

OR

The pre-printed information be grouped together and given in one place and ,

- (b) Online information or those not pre-printed be grouped together in another place.

1. Area of the principal display panel

The area of principal Display panel shall not be less than —

- (a) In the case of a rectangular container, forty percent of the product of height and width of the panel of such container having the largest area;
- (b) In case of cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval container, twenty percent of the product of the height and average circumference of such container; or
- (c) In the case of container of any other shape, twenty percent of the total surface area of the container except where there is label, securely affixed to the container, such label shall give a surface area of not less than ten percent of the total surface area of the container.

Provided that in the case of package having a capacity of five cubic centimeters or less, the principal display panel may be card or tape affixed firmly to the package or container and bearing the required information under these regulations.

2.3.3 The height of numeral in the declaration

- (i) The height of any numeral required under these regulations, on the principal display panel shall not be less than—
 - (a) as shown in Table - I below, if the net quantity is declared in terms of weight or volume and
 - (b) as shown in Table II below, if the net quantity is declared in terms of length, area or number.

TABLE – I When net quantity is in weight or volume

Sl. No	Weight/volume	Minimum height of numeral in mm	
		Normal case	When blown, formed Moulded, or perforated on container
1.	Upto 50g/ml	1	2
2.	Above 50g/ml upto 200g/ml	2	4
3.	Above 200 g/ml upto 1 kg/litre	4	6
4.	Above 1 kg/litre	6	8

TABLE – II When net quantity is in length, area, number

Sl. No	Area of principal display panel	Minimum height of numeral in mm	
		Normal case	When blown, formed Moulded, or perforated on container
1.	Upto 100 cms square	1	2
2.	Above 100 cms. Square upto 500 cms. Square	2	4
3.	Above 500 cms. Square upto 2500 cms. Square	4	6
4.	Above 2500 cms. Square	6	8

(ii) The height of letters in the declaration under 2.2 shall not

be less than 1 mm height when blown, formed, moulded, embossed or perforated, the height of letters shall not be less than 2mm.

Provided that the width of the letter or numeral shall not be less than one-third of its height, but this proviso shall not apply in the case of numeral “1” and letters i, I & I:

Provided further that in case of label declarations required under 2.4 except in case declaration specifying instructions for use or preparation of the product, the size of letters shall not be less than 3mm.

2.4 : Specific Requirements/ Restrictions on manner of labelling

2.4.1 : Labelling of infant milk substitute and infant food

1. An article of infant milk substitutes /infant foods, whose standards are not prescribed under Food Safety and Standards (Food Products standards and Food Additives) Regulations, 2011 shall be manufactured for sale, exhibited for sale or stored for sale only after obtaining the approval of such articles of food and its label from the Authority.
2. Without prejudice to any other provisions relating to labelling requirements contained in these regulations, every container of infant milk substitute or infant food or any label affixed thereto shall indicate in a clear, conspicuous and in an easily readable manner, the words “IMPORTANT NOTICE” in capital letters and indicating there under the following particulars, namely:—
 - (i) a statement “MOTHER’S MILK IS BEST FOR YOUR BABY” in capital letters. The types of letters used shall not be less than five millimeters and the text of such statement shall be in the Central Panel of every container of infant milk substitute or infant food or any label affixed thereto. The colour of the text printed or used shall be

different from that of the background of the label, container as the case may be. In case of infant food, a statement indicating “infant food shall be introduced only (after the age of six months and upto the age of two years)” shall also be given;

(ii) a statement that infant milk substitute or infant food should be used only on the advice of a health worker as to the need for its use and the proper method of its use;

(iii) a warning that infant milk substitute or infant food is not the sole source of nourishment of an infant;

(iv) a statement indicating the process of manufacture (e.g spray dried) except in case of infant foods, instruction for appropriate and hygienic preparation including cleaning of utensils, bottles and teats and warning against health hazards of inappropriate preparations, as under;

“Warning/ caution-Careful and hygienic preparation of infant foods/infant milk substitute is most essential for health. Do not use fewer scoops than directed since diluted feeding will not provide adequate nutrients needed by your infant. Do not use more scoops than directed since concentrated feed will not provide the water needed by your infant”.

(v) the approximate composition of nutrients per 100 gms. of the product including its energy value in Kilo Calories/Joules;

(vi) the storage condition specifically stating “store in a cool and dry place in an air tight container” or the like (after opening use the contents within the period mentioned or the expiry date whichever is earlier);

(vii) the feeding chart and directions for use and instruction for discarding leftover feed;

(viii) Instruction for use of measuring scoop (level or

heaped) and the quantity per scoop (scoop to be given with pack);

(ix) indicating the Batch No. Month and Year of its manufacture and expiry date

(x) the protein efficiency ratio (PER) which shall be minimum 2.5 if the product other than infant milk substitute is claimed to have higher quality protein;

(xi) the specific name of the food additives, if permitted, shall be declared in addition to appropriate class names.

3. No containers or label referred to in 2.4.1(2) relating to infant milk substitute or infant food shall have a picture of infant or women or both. It shall not have picture or other graphic materials or phrases designed to increase the saleability of the infant milk substitute or infant food. The terms “Humanised” or “Maternalised” or any other similar words shall not be used. The Package and/or any other label of infant milk substitute or infant food shall not exhibit the words, “Full Protein Food”, “energy Food”, “Complete food” or “Health Food” or any other similar expression.

4. The containers of infant milk substitute meant for (premature baby (born before 37 weeks)/low birth weight infant (less than 2500gm) or labels affixed thereto shall indicate the following additional information, namely:—

(i) the words [PREMATURE BABY (BORN BEFORE 37 WEEKS) LOW BIRTH WEIGHT (LESS THAN 2.5 KG)] in capital letters along with the product name in central panel;

(ii) a statement “the low birth weight infant milk substitute shall be withdrawn under medical advice as soon as the mother’s milk is sufficiently available”; and

(iii) a statement “TO BE TAKEN UNDER MEDICAL ADVICE” in capital letters.

5. The product which contains neither milk nor any milk derivatives shall be labelled “contains no milk or milk product” in conspicuous manner.
6. The container of infant milk substitute for lactose or lactose and sucrose intolerant infants or label affixed thereto shall indicate conspicuously “LACTOSE-FREE or SUCROSE-FREE or LACTOSE and SUCROSE-FREE” in capital letters and statement “TO BE TAKEN UNDER MEDICAL ADVICE” and shall also bear the following statements, namely:—

“Lactose free Infant Milk Substitute should only be used in case of diarrhea due to lactose intolerance.

The lactose free/sucrose free Infant Milk Substitute should be withdrawn if there is no improvement in symptoms of intolerance”.

7. The container of infant milk substitute meant for infants with allergy to cow’s /buffalo’s milk protein or soy protein or label affixed thereto shall indicate conspicuously “HYPOALLERGENIC FORMULA” in capital letters and statement “TO BE TAKEN UNDER MEDICALADVICE”.
8. Declaration to be surrounded by line:

There shall be a surrounding line enclosing the declaration where the words “unsuitable for babies” are required to be used.

(i) Distance of surrounding line:

The distance between any part of the words “unsuitable for babies” surrounding the line enclosing these words shall not be less than 1.5 mm.

2.4.2 : Labelling of edible oils and fats

1. The package, label or the advertisement of edible oils and fats shall not use the expressions “Super- Refined”,

“Extra-Refined”, “Micro-Refined”, “Double-Refined”, “Ultra-Refined”, “Anti-Cholesterol”, “Cholesterol Fighter”, “Soothing to Heart”, “Cholesterol Friendly”, “Saturated Fat Free” or such other expressions which are an exaggeration of the quality of the Product.

2. Every container in which solvent-extracted oil or de-oiled meal or edible flour is packed for sale shall, at the time of sale by the producer, bear the following particulars in English or Hindi (Devnagri script) :—

(i) the name, trade name, if any, or description of the solvent-extracted oil or de-oiled meal or edible flour, as the case may be:

(ii) in the case of oil not conforming to the standards of quality for “refined” grade solvent extracted oils specified in regulation 2.2.6 (1) of Food Safety and Standards (Food Products Standards and Food Additive) Regulation, 2011 for Edible vegetable oil/Vanaspati, a declaration in a type-size of not less than 50 mm, as follows shall appear on the label:

(a) “NOT FOR DIRECT EDIBLE CONSUMPTION”, in the case of oils complying with the requirements for the “semi-refined” or “raw-grade 1” grades of oil specified in regulation 2.2.6 (1) of Food Safety and Standards(Food Products standards and Food Additive) Regulation, 2011

(b) “FOR INDUSTRIAL NON-EDIBLE USES ONLY”, in the case of oils not complying with the requirements under item (a) above;

(iii) the name and business particulars of the producer;

(iv) the net weight of the contents in the container;

(v) the batch number, month and year of manufacture:

Provided that where solvent extracted oils are transported in bulk in rail tank-wagons or road tankers, or where de-oiled meal or edible flour is transported in bulk either for storage in silos or transferred to ship for bulk shipment, it shall be sufficient if the aforesaid particulars are furnished in the accompanying documents.

3. Every container in which solvent is packed shall, at the time of sale by the manufacturer or dealer thereof, bear the Indian Standards Institution certification mark.
4. Every container in which vanaspati, margarine, bakery shortening, blended edible vegetable oils, mixed fat spread and refined vegetable oil is packed in addition to other labelling requirements provided in these regulations shall bear the following particulars in English or Hindi in Devnagri script:
 - (a) The name/description of the contents, “free from Argemone Oil”;
 - (b) The mass/volume of the contents;
5. Every container of refined vegetable oil shall bear the following label, namely,—

Refined (name of the Oil) Oil

Provided that the container of imported edible oil shall also bear the word, “Imported”, as prefix.

6. Every package containing an admixture of palmolein with groundnut oil shall carry the following label, namely,—

BLEND OF PALMOLEIN AND GROUNDNUT OIL

Palmolein.....per cent Groundnut oil....per cent

7. Every package containing an admixtu`re of imported rape-seed oil with mustard oil, shall carry the following label, namely :

BLEND OF IMPORTED RAPE-SEED OIL AND MUSTARD
OIL

Imported rape-seed oil.....per cent

Mustard oil.....per cent

8. Every package of vanaspati made from more than 30 percent of Rice bran oil shall bear the following label, namely :—

This package of vanaspati is made from more than 30
per cent Rice bran oil by weight

9. Every package containing Fat Spread shall carry the following labels namely:—

Milk Fat Spread

Use before

Date of packing

Total Milk Fat Content Per cent by weight.....

.....

Mixed Fat Spread Use before

Date of packing

Per cent by weight..... Milk Fat Content.....

Total Milk Fat Content Percent by weight..... Vegetable Fat Spread

Use before

Date of packing

Total Fat Content Per cent by weight

10. A package containing annatto colour in vegetable oils shall bear the following label namely :—

Annatto colour in oil (Name of oil/oils)
used

11. Every package containing an admixture of edible oils shall carry the following label, namely:— This blended edible vegetable oil contains an admixture of :

(i)% by Weight

(ii)% by Weight

(Name and nature of edible vegetable oils i.e. in raw or refined form) Date of Packing.....

There shall also be the following declaration in bold capital letters along with the name of product on front/ central panel,—

NOT TO BE SOLD LOOSE

2.4.3 : Labelling of permitted food colours

1. No person shall sell a permitted synthetic food colours for use in or upon food unless its container carries a label stating the following particulars:—
 - (i) the words “Food Colours”;
 - (ii) the chemical and the common or commercial name and colour index of the dye-stuff.
2. No person shall sell a mixture of permitted synthetic food colours for use in or upon food unless its container carries a label stating the following particulars:—
 - (i) the words “Food Colour Mixture”;

- (ii) the chemical and the common or commercial name and colour index of the dye stuff contained in the mixture.
3. No person shall sell a preparation of permitted synthetic food colours for use in or upon food unless its container carries a label stating the following particulars:—
- (i) the words “Food Colour Preparation”;
 - (ii) the name of the various ingredients used in the preparation.

2.4.4 : Labelling of irradiated Food

Irradiated foods.- The label of a food, which has been treated with ionizing radiation, shall carry a written statement indicating the treatment in close proximity to the name of the food.

In addition all packages of irradiated food shall bear the following declaration and logo, namely:—

PROCESSED BY IRRADIATION METHOD DATE
OF IRRADIATION



LICENSE NO of Irradiation Unit.....
PURPOSE OF IRRADIATION.....

2.4.5 : Specific Labelling Requirements of other Products

1. Coffee-Chicory Mixture:- (i) Every package containing a mixture of coffee and chicory shall have affixed to it a label upon which shall be printed the following declaration:

Coffee blended with Chicory This mixture contains

Coffee..... Per cent
Chicory..... Per cent

(ii) Every package containing Instant Coffee-Chicory mixture shall have affixed to it a label upon which shall be printed the following declarations;

Instant Coffee-Chicory mixture made from blends of
coffee and chicory

Coffee..... Per cent
Chicory..... Per cent

2. CONDENSED MILK OR DESICCATED (DRIED) MILK:

Every package containing condensed milk or desiccated (dried) milk shall bear a label upon which is printed such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the State Government, namely,—

(i) In the case of condensed milk (unsweetened):

CONDENSED MILK UNSWEETENED

(Evaporated Milk) (This tin contains the equivalent) of
(x)..... litres of toned milk

(ii) In the case of condensed milk (sweetened):

CONDENSED MILK SWEETENED

This tin contains the equivalent of (x)..... litres of
toned milk with sugar added

(iii) In the case of condensed skimmed milk (unsweetened):

CONDENSED SKIMMED MILK UNSWEETENED

(Evaporated Skimmed Milk) This tin contains the equivalent of (x)..... litres of skimmed milk

(iv) In the case of condensed skimmed milk (sweetened):

CONDENSED SKIMMED MILK SWEETENED

This tin contains the equivalent of (x).....litres of skimmed milk with sugar added”

(v) In the case of condensed milk (sweetened and flavoured):

This has been flavoured with.....

NOT TO BE USED FOR INFANTS BELOW SIX MONTHS

(vi) In the case of condensed milk/condensed Skimmed milk (unsweetened) Sterilised by Ultra High Temperature (UHT) treatment:

This has been sterilised by UHT Process

(vii) In the case of milk powder:

MILK POWDER

This tin contains the equivalent of

(x)..... litres of toned milk

(viii) In the case of milk powder which contains lecithin:

MILK POWDER IN THIS PACKAGE CONTAINS
LECITHIN

(ix) In the case of partly skimmed milk powder :

PARTLY SKIMMED MILK
POWDER

This tin contains the equivalent of
(x)..... litres of partly skimmed
milk having..... per cent milk fat

(x) In the case of skimmed milk powder:

SKIMMED MILK POWDER

This tin contains the equivalent of
(x)..... litres of skimmed milk

3. The declaration shall in each case be completed by inserting at (x) the appropriate number in words and in figures, for example, “one and a half (1½)”, any fraction being expressed as eight quarters or a half, as the case may be.
4. There shall not be placed on any package containing condensed milk or desiccated (dried) milk any comment on, explanation of, or reference to either the statement of equivalence, contained in the prescribed declaration or on the words “machine skimmed” “skimmed” or “unsuitable for babies” except instructions as to dilution as follows:

“To make a fluid not below the composition of toned milk or skimmed milk (as the case may be) with the contents of this package, add (here insert the number of parts) of water by volume to one part by volume of this condensed milk or desiccated (dried) milk”.

Sweetened condensed milk and other similar products

which are not suitable for infant feeding shall not contain any instruction of modifying them for infant feeding.

5. Wherever the word “milk” appears on the label of a package of condensed skimmed milk or of desiccated (dried) skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the word “machine skimmed” or “partly skimmed”, as the case may be.
6. Fluid milk: — The caps of the milk bottles /pouch/tetrapack shall clearly indicate the nature of the milk contained in them. The indication may be either in full or by abbreviation shown below :
 - (i) Buffalo milk may be denoted by the letter ‘B’.
 - (ii) Cow milk may be denoted by the letter ‘C’
 - (iii) Goat milk may be denoted by the letter ‘G’
 - (iv) Standardized milk may be denoted by the letter ‘S’
 - (v) Toned milk may be denoted by the letter ‘T’
 - (vi) Double toned milk may be denoted by the letter ‘DT’
 - (vii) Skimmed milk may be denoted by the letter ‘K’
 - (viii) Pasteurised milk may be denoted by the letter ‘P’; followed by the class of milk. For example Pasteurised Buffalo milk shall bear the letters ‘PB’.
 - (ix) Alternatively suitable indicative colours of the packs/caps/bags shall be indicative of the nature of milk contained in them, the classification of colours being displayed at places where milk is sold/stored or exhibited for sale, provided that the same had been simultaneously intimated to the concerned Designated Officer, and information disseminated through the local media
7. Ice cream — Every dealer in ice-cream or mixed ice-cream

who in the street or other place of public resort, sells or offers or exposes for sale, ice-cream or ice-candy, from a stall or from a cart, barrow or other vehicle or from a basket, phial, tray or other container used without a staff or a vehicle shall have his name and address along with the name and address of the manufacturer, if any, legibly and conspicuously ‘displayed’ on the stall, vehicle or container as the case may be.

8. Hingra — Every container containing Hingra shall bear a label upon which is printed a declaration in the following form, namely,—

“This container contains Hingra (Imported from Iran\Afghanistan) and is certified to be conforming to the standards laid down in the Food Safety and Standards regulations”

9. Light Black Pepper:- Every package containing light black pepper shall bear the following label in addition to the Agmark seal and the requirements prescribed under regulation 2.2.1 and 2.2.2 of these regulations:

Light Black Pepper (Light berries)

10. Every package containing “Cassia Bark” shall bear the following label.

CASSIABARK (TAJ)

11. Every package containing “CINNAMON” shall bear the following label

CINNAMON (DALCHINI)

12. Every package of chillies which contains added edible oil shall bear the following label:

CHILLIES IN THIS PACKAGE CONTAINS AN ADMIXTURE
OF NOT MORE THAN 2 PERCENT OF(NAME
OF OIL) EDIBLE OIL

13. Every package of ice-cream, kulfi, kulfa and chocolate ice-cream containing starch shall have a declaration on a label as specified in regulation 2.7.1(2)
14. Masala: Every package of mixed masala fried in oil shall bear the following label:

MIXED MASALA (FRIED) THIS MASALA HAS BEEN
FRIED IN
(Name of the edible oil used)

15. Compounded Asafoetida: Every container of compounded asafoetida shall indicate the approximate composition of edible starch or edible cereal flour used in the compound, on the label.
16. Every package containing maida treated with improver or bleaching agents shall carry the following label, namely,-

WHEAT FLOUR TREATED WITH IMPROVER/
BLEACHINGAGENTS, TO BE USED BY BAKERIES ONLY

17. Unless otherwise provided in these regulations, every package of malted milk food which contains added natural colouring matter except caramel, shall bear the following label, namely,-

MALTED MILK FOOD IN THIS PACKAGE CONTAINS
PERMITTED NATURAL COLOURING MATTER

18. Every advertisement for and/or a package of food containing added Monosodium Glutamate shall carry the following declaration, namely,-

This package of (name of the food contains added).....
MONOSODIUM GLUTAMATE NOT RECOMMENDED FOR
INFANTS BELOW -12 MONTHS

19. Every container of refined salseed fat shall bear the following label, namely,-

REFINED SALSEED FAT FOR USE IN BAKERY AND
CONFECTIONERY ONLY

20. Every container or package of table iodised salt or iron fortified common salt containing permitted anticaking agent shall bear the following label, namely,-

IODIZED SALT / IRON FORTIFIED COMMON SALT*
CONTAINS PERMITTED ANTICAKING AGENT

* Strike out whichever is not applicable

21. Every container or package of iron fortified common salt shall bear the following label, namely,—

IRON FORTIFIED COMMON SALT

22. Every package of Dried Glucose Syrup containing sulphur dioxide exceeding 40 ppm shall bear the following label namely,—

DRIED GLUCOSE SYRUP FOR USE IN SUGAR
CONFECTIONERY ONLY

23. A package containing tea with added flavour shall bear the following label, namely,—

“FLAVOURED TEA” (common name of permitted flavour/
percentage) Registration No....

24. Every package of food which is permitted to contain artificial sweetener mentioned in table given in regulation 3.1.3 (1) of Food Safety and standards (Food Products standards and Food Additive) Regulations, 2011 and an advertisement for such food shall carry the following label, namely,—

- | |
|--|
| <p>(i) This contains (Name of the artificial sweeteners).</p> <p>(ii) Not recommended for children.</p> <p>(iii)(a) *Quantity of sugar added gm/100 gm.</p> <p>(b) No sugar added in the product.</p> <p>(iv)*Not for Phenylketonurics (if Aspartame is added)</p> |
|--|

*strike out whatever is not applicable

25. In addition to the declarations under regulation 2.4.5 (24 and 26), every package of food which is permitted to contain artificial sweetener mentioned in table in regulation 3.1.3 (1) of Food Safety and Standards (Food Products standards and Food Additive) Regulations, 2011 and an advertisement for such food shall carry the following label, namely,-

<p>CONTAINS ARTIFICIAL SWEETENER AND FOR CALORIE CONSCIOUS</p>
--

26. The declaration under regulation 2.4.5 (25) shall be provided along with name or trade name of product and shall be half of the size of the name/ trade name. The declaration may be given in two sentences, but in the same box.

27. Every package of Aspartame (Methyl ester), Acesulfame K, Sucralose and Saccharin Sodium, Neotame marketed as Table Top Sweetener and every advertisement for such Table Top Sweetener shall carry the following label,

namely,-

- | |
|---|
| (i) Contains..... (name of artificial sweetener)
(ii) Not recommended for children |
|---|

Provided that the package of aspartame (Methyl ester), marketed as Table Top Sweetener and every advertisement for such Table Top Sweetener shall carry the following label, namely,—

“Not for Phenylketonurics”

28. Every package of food which is permitted to contain a mixture of Aspartame (Methyl Ester) and Acesulfame Potassium Sweeteners mentioned in the Table given in regulation 3.1.3(1) of Food Safety and Standards (Food Products Standards and Food Additive) Regulation,2011, shall carry the following label, namely,-

This (Name of food) contains contains an admixture of Aspartame (Methyl Ester and Acesulfame Potassium. Not recommended for children.
--

- | |
|---|
| (a) *Quantity of sugar added..... gm/100gm,
(b) No sugar added in the product. |
|---|

*Not for Phenylketoneurics (if Aspartame is added)
--

*strike out whatever is not applicable

29. Every package of food which is permitted to contain a mixture of Acesulfame Potassium and Sucralose sweeteners mentioned in the Table given in Regulation 3.1.2 (1) of Food Safety and Standards (Food Products Standards and Food Additive) Regulation,2011 shall carry the following label, namely,—

- (i) This(Name of Food) contains a mixture of Sucralose and Acesulfame Potassium;
- (ii) Not recommended for children;
- (iii)* (a) Quantity of sugar added.....gm/100gm;
- * (b) No sugar added in the product;

(*Strike out whichever is not applicable)

30. Every package of Pan Masala and advertisement relating thereto, shall carry the following warning, namely,—

Chewing of Pan Masala is injurious to health

31. Every package of supari and advertisement relating thereto shall carry the following warning in conspicuous and bold print, namely,—

Chewing of Supari is injurious to Health

32. Every package of fruit squash by whatever name it is sold, containing additional sodium or potassium salt shall bear the following label, namely,—

IT CONTAINS ADDITIONAL

33. Every package of Cheese (hard), surface treated with Natamycin, shall bear the following label, namely,—

SURFACE TREATED WITH NATAMYCIN

34. Every package of Bakery and Industrial Margarine made from more than 30 per cent of Rice Bran Oil shall bear the following label, namely,—

This package of Bakery & Industrial Margarine is made

from more than 30 per cent of Rice Bran Oil by Wt.

35. Every container or package of flavour emulsion and flavour paste meant for use in carbonated or non- carbonated beverages shall carry the following declaration, in addition to the instructions for dilution, namely,—

FLAVOUR EMULSION AND FLAVOUR PASTE FOR USE IN
CARBONATED OR NON-CARBONATED BEVERAGES ONLY

36. Every package of drinking water shall carry the following declaration in capital letters having the size of each letter as prescribed in Regulation 2.3.3 ;

PACKAGED DRINKING WATER

One time usable plastic bottles of packaged drinking water shall carry the following declaration.

CRUSH THE BOTTLE AFTER USE

37. Every package of mineral water shall carry the following declaration in capital letters having the size of each letter as prescribed in regulation 2.3.3 ;

NATURAL MINERAL WATER

One time usable plastic bottles of mineral water shall carry the following declaration.

CRUSH THE BOTTLE AFTER USE

38. Every package of food having added caffeine, shall carry the following label, namely,—

“CONTAINS CAFFEINE”

Provided if caffeine is added in the products, it shall be

declared on the body of the Container/bottle.

Provided also that in case of returnable glass bottles, which are recycled for refilling the declaration of caffeine, may be given on the crown.

39. Every package of Low Fat Paneer/ Chhana shall carry the following label, namely,—

LOW FAT PANEER / CHHANA

40. Every package of Cheese(s), if coated/packed in food grade waxes polyfilm/wrapping of cloth, shall bear the following label, namely,—

REMOVE THE OUTER PACKING BEFORE CONSUMPTION

41. Every package of Frozen Desert / Frozen Confection shall bear the following label, namely,—

REMOVE THE OUTER PACKING BEFORE CONSUMPTION

*strike out whatever is not applicable

42. Every container or package of common salt shall bear the following label, namely,—

COMMON SALT FOR IODISATION* / IRON FORTIFICATION* /
ANIMAL USE* / PRESERVATION / MEDICINE* / INDUSTRIAL
USE*

*strike out whichever is not applicable.

43. Every package of biscuits, bread and cakes containing Oligofructose shall bear the following declaration, namely,—

Contains Oligofructose (dietary fiber) — gm/100 gm

44. Every package of fresh fruit if coated with wax shall carry the following label, namely,—

Coated with wax (give name of wax)

45. Gelatin meant for human consumption should be labeled as “Gelatin Food Grade”
46. Every package of food containing Polyols shall bear the following label,-

Polyols may have laxative effects

47. Every package of food containing Polydextrose shall bear the following label:-

Polydextrose may have laxative effects

2.4.6 : Specific restrictions on Product labels

- (1) Labels not to contain reference to Act or rules or regulations contradictory to required particulars :- The label shall not contain any reference to the Act or any of these regulations or any comment on, or reference to, or explanation of any particulars or declaration required by the Act or any of these regulations to be included in the label which directly or by implication, contradicts, qualifies or modifies such particulars or declaration.
- (2) Labels not to use words implying recommendations by medical profession: - There shall not appear in the label of any package, containing food for sale the words “recommended by the medical profession” or any words which imply or suggest that the food is recommended, prescribed, or approved by medical practitioners or approved for medical purpose.
- (3) Unauthorized use of words showing imitation prohibited
 1. There shall not be written in the statement or label attached to any package containing any article of food the word ‘imitation’ or any word, or words implying that the

article is a substitute for any food, unless the use of the said word or words is specifically permitted under these regulations.

2. Any fruit syrup, fruit juice, fruit squash, fruit beverages, cordial, crush or any other fruit products standardised under Food Safety and Standards (Food Products standards and Food Additives) Regulations, 2011 which does not contain the prescribed amount of fruit juice or fruit pulp or fruit content shall not be described as a fruit syrup, fruit juice, fruit squash, fruit beverages, cordial, crush or any other fruit product as the case may be.

3. Any food product which does not contain the specified amount of fruit and is likely to deceive or mislead or give a false impression to the consumer that the product contains fruit, whether by use of words or pictorial representation, shall be clearly and conspicuously marked on the label as ‘ADDED(NAME OF THE FRUIT) FLAVOUR’.

4. Any food product which contains only fruit flavours, whether natural flavours and natural flavouring substances or nature identical flavouring substances, artificial flavouring substances as single or in combination thereof, shall not be described as a fruit product and the word “ADDED” (NAME OF FRUIT) FLAVOUR shall be used in describing such a product;

5. Carbonated water containing no fruit juice or fruit pulp shall not have a label which may lead the consumer into believing that it is a fruit product.

6. Any fruit and vegetable product alleged to be fortified with vitamin C shall contain not less than 40 mgms. of ascorbic acid per 100 gm. of the product.

(4) Imitations not to be marked “pure”

The word “pure” or any word or words of the same

significance shall not be included in the label of a package that contains an imitation of any food.

- (5) Labelling prohibitions for Drinking Water (Both Packaged and Mineral Water)
- (i) No claims concerning medicinal (preventative, alleviative or curative) effects shall be made in respect of the properties of the product covered by the standard Claims of other beneficial effects related to the health of the consumer shall not be made.
 - (ii) The name of the locality, hamlet or specified place may not form part of the trade name unless it refers to a packaged water collected at the place designated by that trade name.
 - (iii) The use of any statement or of any pictorial device which may create confusion in the mind of the public or in any way mislead the public about the nature, origin, composition, and properties of such waters put on sale is prohibited.

2.5 : Restriction on advertisement

There shall be no advertisement of any food which is misleading or contravening the provisions of Food Safety and Standards Act, 2006 (34 of 2006) or the rules/regulations made thereunder.

2.6 : Exemptions from labelling requirements-

2.6.1

1. Where the surface area of the package is not more than 100 square centimeters, the label of such package shall be exempted from the requirements of list of ingredients, Lot Number or Batch Number or Code Number, nutritional information and instructions for use, but these information

shall be given on the wholesale packages or multi piece packages, as the case may be.

2. the 'date of manufacture' or 'best before date' or 'expiry date' may not be required to be mentioned on the package having surface area of less than 30 square centimeters but these information shall be given on the wholesale packages or multipiece packages, as the case may be;
3. in case of liquid products marketed in bottles, if such bottle is intended to be reused for refilling, the requirement of list of ingredients shall be exempted, but the nutritional information specified in regulation 2.2.2 (4) these regulations shall be given on the label.

Provided that in case of such glass bottles manufactured after March 19, 2009, the list of ingredients and nutritional information shall be given on the bottle.

4. in case of food with shelf-life of not more than seven days, the 'date of manufacture' may not be required to be mentioned on the label of packaged food articles, but the 'use by date' shall be mentioned on the label by the manufacturer or packer.
5. In case of wholesale packages the particulars regarding list of ingredients. Date of manufacture/ packing, best before, expiry date labelling of irradiated food and , vegetarian logo/non vegetarian logo, may not be specified.

2.7 : Notice of addition, admixture or deficiency in food

2.7.1

1. Every advertisement and every price or trade list or label for an article of food which contains an addition, admixture or deficiency shall describe the food as containing such addition, admixture or deficiency and shall also specify the nature and quantity of such addition, admixture or

deficiency and no such advertisement or price or trade list or label attached to the container of the food shall contain any words which might imply that the food is pure:

Provided that for purpose of this regulation the following shall not be deemed as an admixture or an addition, namely:—

- (a) salt in butter or margarine;
 - (b) vitamins in food.
2. Every package, containing a food which is not pure by reason of any addition, admixture or deficiency shall be labelled with an adhesive label, which shall have the following declaration:

Declaration

This (a) contains an admixture/addition of not more than (b) per cent of (c).....

- (a) Here insert the name of food.
- (b) Here insert the quantity of admixture which may be present.
- (c) Here insert the name of the admixture or the name of ingredient which is deficient.

Where the context demands it, the words ‘contains an admixture of’ shall be replaced by the words ‘contains an addition of’ or ‘is deficient in’.

3. Unless the vendor of a food containing an addition, admixture or deficiency, has reason to believe that the purchaser is able to read and understand the declaratory label, he shall give the purchaser, if asked, the information contained in the declaratory label by word of mouth at the time of sale.

4. Nothing contained in regulation 2.7.1 shall be

deemed to authorize any person to sell any article of food required under the Act or these regulations which is to be sold in pure condition, otherwise than in its pure condition.

5. Nothing contained in regulation 2.7.1 shall apply in the case of sweets, confectionery, biscuits, bakery products, processed fruits, aerated water, vegetables and flavouring agents.

[F.No. 2-15015/30/2010]

V.N. GAUR,
Chief Executive Officer

**THE FOOD SAFETY AND STANDARDS
(PACKAGING AND LABELLING)
REGULATIONS, 2011**

FOOD SAFETY AND STANDARDS (PACKAGING AND LABELLING) REGULATIONS, 2011

CHAPTER 1 GENERAL

1.1: Short title and commencement

1.1.1: These regulations may be called the Food Safety and Standards (Packaging and labelling) Regulations, 2011 1.1.2: These regulations shall come into force on or after 5th August, 2011 1.2: Definitions—

1.2.1: In these regulations unless the context otherwise requires:

1. “Best before” means the date which signifies the end of the period under any stated storage conditions during which the food shall remain fully marketable and shall retain any specific qualities for which tacit or express claims have been made and beyond that date, the food may still be perfectly safe to consume, though its quality may have diminished. However the food shall not be sold if at any stage the product becomes unsafe.
2. “Date of manufacture” means the date on which the food becomes the product as described;
3. “Date of packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold;
4. “Infant” means a child not more than twelve months of age;
5. “Lot number” or “code number” or “batch number” means the number either in numerals or alphabets or in combination thereof, representing the lot number or code number or batch

number, being preceded by the words “Lot No” or “Lot” or “code number” or “Code” or Batch No” or “Batch” or any distinguishing prefix by which the food can be traced in manufacture and identified in distribution.

6. “Multipiece package” means a package containing two or more individually packaged or labelled pieces of the same commodity of identical quantity, intended for retail either in individual pieces or packages as a whole.

7. “Non- Vegetarian Food” means an article of food which contains whole or part of any animal including birds, fresh water or marine animals or eggs or products of any animal origin, but excluding milk or milk products, as an ingredient;

8. “Prepackaged” or “Pre-packed food”, means food, which is placed in a package of any nature, in such a manner that the contents cannot be changed without tampering it and which is ready for sale to the consumer.

Note: The expression “package” wherever it occurs in these Regulations, shall be construed as package containing pre-packed food articles.

9. “Principal Display Panel” means that part of the container/ package which is intended or likely to be displayed or presented or shown or examined by the customer under normal and customary conditions of display, sale or purchase of the commodity contained therein.

10. “Use – by date” or “Recommended last consumption date” or “Expiry date” means the date which signifies the end of the estimated period under any stated storage conditions, after which the food probably will not have the quality and safety attributes normally expected by the consumers and the food shall not be sold;

11. “Vegetarian Food” means any article of Food other than Non- Vegetarian Food as defined in regulation 1.2.1(7).

12. “Wholesale package” means a package containing —

- (a) a number of retail packages, where such first mentioned package is intended for sale, distribution or delivery to an intermediary and is not intended for sale direct to a single consumer; or
- (b) a commodity of food sold to an intermediary in bulk to enable such intermediary to sell, distribute or deliver such commodity of food to the consumer in smaller quantities.

CHAPTER-2 PACKAGING AND LABELLING

2.1 : Packaging

2.1.1 : General Requirements

1. A utensil or container made of the following materials or metals, when used in the preparation, packaging and storing of food shall be deemed to render it unfit for human consumption:—

- (a) containers which are rusty;
- (b) enameled containers which have become chipped and rusty;
- (c) copper or brass containers which are not properly tinned
- (d) containers made of aluminium not conforming in chemical composition to IS:20 specification for Cast Aluminium & Aluminium Alloy for utensils or IS:21 specification for Wrought Aluminium and Aluminium Alloy for utensils.

2. Containers made of plastic materials should conform to the following Indian Standards Specification, used as appliances or receptacles for packing or storing whether partly or wholly, food articles namely :—

(i) IS : 10146 (Specification for Polyethylene in contact with foodstuffs);

(ii) IS : 10142 (Specification for Styrene Polymers in contact with foodstuffs);

(iii) IS : 10151 (Specification for Polyvinyl Chloride (PVC), in contact with foodstuffs);

(iv) IS : 10910 (Specification for Polypropylene in contact with foodstuffs);

(v) IS : 11434 (Specification for Ionomer Resins in contact with foodstuffs);

(vi) IS: 11704 Specification for Ethylene Acrylic Acid (EAA) copolymer. (vii) IS: 12252 - Specification for Poly alkylene terephthalates (PET).

(viii) IS: 12247 - Specification for Nylon 6 Polymer; (ix) IS: 13601 - Ethylene Vinyl Acetate (EVA);

(x) IS: 13576 - Ethylene Metha Acrylic Acid (EMAA);

(xi) Tin and plastic containers once used, shall not be re-used for packaging of edible oils and fats;

Provided that utensils or containers made of copper though not properly tinned, may be used for the preparation of sugar confectionery or essential oils and mere use of such utensils or containers shall not be deemed to render sugar confectionery or essential oils unfit for human consumption.

3. General packaging requirements for Canned products,

- (i) All containers shall be securely packed and sealed.
- (ii) The exterior of the cans shall be free from major dents, rust, perforations and seam distortions.
- (iii) Cans shall be free from leaks.

2.1.2 : Product specific requirements

1. Packaging requirements for Milk and Milk Products

- (a) Bottling or filling of containers with heat-treated milk and milk product shall be carried out mechanically and the sealing of the containers shall be carried out automatically.
- (b) Wrapping or packaging may not be re-used for dairy products, except where the containers are of a type which may be re-used after thorough cleaning and disinfecting.
- (c) Sealing shall be carried out in the establishment in which the last heat-treatment of drinking milk or liquid milk-base products has been carried out, immediately after filling, by means of a sealing device which ensures that the milk is protected from any adverse effects of external origin on its characteristic. The sealing device shall be so designed that once the container has been opened, the evidence of opening remains clear and easy to check.
- (d) Immediately after packaging, the dairy products shall be placed in the rooms provided for storage.

2. Packaging requirements for Edible oil/ fat:

Tin Plate used for the manufacture of tin containers for packaging

edible oils and fats shall conform to the standards of prime grade quality contained in B.I.S. Standards No. 1993 or 13955 or 9025 or 13954 as amended from time to time and in respect of Tin containers for packaging edible oils and fats shall conform to IS No. 10325 or 10339 as amended from time to time.

3. Packaging requirements for Fruits and Vegetables Products

(i) Every bottle in which any fruit product is packed shall be so sealed that it cannot be opened without destroying the licensing number and the special identification mark of the manufacture to be displayed on the top or neck of the bottle.

(ii) For Canned fruits, juices and vegetables, sanitary top cans made up of suitable kind of tin plates shall be used.

(iii) For Bottled fruits, juices and vegetables, only bottles/ jars capable of giving hermetic seal shall be used.

(iv) Juices, squashes, crush, cordials, syrups, barley waters and other beverages shall be packed in clean bottles securely sealed. These products when frozen and sold in the form of ice shall be packed in suitable cartons. Juices and Pulps may be packed in wooden barrels when sulphited.

(v) For packing Preserves, Jams, Jellies, and Marmalades, new cans, clean jars, new canisters, bottles, chinaware jars, aluminium containers may be used and it shall be securely sealed.

(vi) For Pickles, clean bottles, jars, wooden casks, tin containers covered from inside with polythene lining of 250 gauge or suitable lacquered cans shall be used.

(vii) For Tomato Ketchups and Sauces, clean bottles shall be used. If acidity does not exceed 0.5% as acetic acid, open top sanitary cans may also be used.

(viii) Candied fruits and peels and dried fruits and vegetables can

be packed in paper bags, cardboard or wooden boxes, new tins, bottles, jars, aluminium and other suitable approved containers.

(ix) Fruits and Vegetable products can also be packed in aseptic and flexible packaging material having food grade quality conforming to the standards laid down by BIS.

4. Packaging requirements for Canned Meat Products

(i) New sanitary top cans made from suitable kind of tin plate shall be used. The cans shall be lacquered internally; they shall be sealed hermetically after filling. The lacquer used shall be sulphur resistant and shall not be soluble in fat or brine.

(ii) Cans used for filling pork luncheon meat shall be coated internally with edible gelatin, lard or lined with vegetable parchment paper before being filled.

(iii) Meat products packed in hermetically sealed containers shall be processed to withstand spoilage under commercial conditions of storage and transport.

5. Packaging requirements for Drinking Water (Both Packaged and Mineral Water)

It shall be packed in clean, hygienic, colourless, transparent and tamperproof bottles/containers made of polyethylene (PE) conforming to IS:10146 or polyvinyl chloride (PVC) conforming to IS : 10151 or polyalkylene terephthalate (PET and PBT) conforming to IS : 12252 or polypropylene conforming to IS : 10910 or foodgrade polycarbonate or sterile glass bottles suitable for preventing possible adulteration or contamination of the water.

All packaging materials of plastic origin shall pass the prescribed overall migration and colour migration limits.

2.2 : Labelling

2.2.1 : General Requirements

1. Every prepackaged food shall carry a label containing information as required here under unless otherwise provided, namely,—

2. The particulars of declaration required under these Regulations to be specified on the label shall be in English or Hindi in Devnagri script:

Provided that nothing herein contained shall prevent the use of any other language in addition to the language required under this regulation.

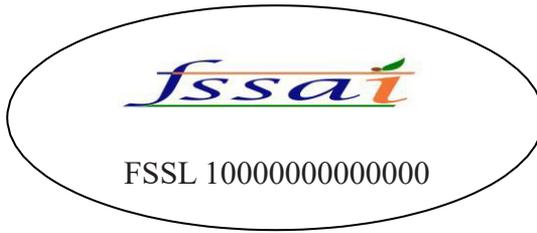
3. Pre-packaged food shall not be described or presented on any label or in any labelling manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect;

4. Label in pre-packaged foods shall be applied in such a manner that they will not become separated from the container;

5. Contents on the label shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use;

6. Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper and not obscured by it;

7. ¹[License number shall be displayed on the principal display panel in the following format, namely:-



Provided that the existing products of a unit shall comply with the requirement of this clause on and after the six months of commencement of the Food Safety and Standards (packaging and labeling) Ammendment Regulation ,2013.]

2.2.2 : Labelling of Pre-packaged Foods

In addition to the General Labelling requirements specified in 2.2.1 above every package of food shall carry the following information on the label, namely,—

1. The Name of Food: The name of the food shall include trade name or description of food contained in the package.
2. List of Ingredients: Except for single ingredient foods, a list of ingredients shall be declared on the label in the following manner:—
 - (a) The list of ingredients shall contain an appropriate title, such as the term “Ingredients”;
 - (b) The name of Ingredients used in the product shall be listed in descending order of their composition by weight or volume, as the case may be, at the time of its manufacture;
 - (c) A specific name shall be used for ingredients in the list of Ingredients;

Provided that for Ingredients falling in the respective classes, the following class titles may be used, namely:–

Classes	Class Titles
⁴ [Edible vegetable oils	Give name of the specific edible oil such as mustard oil, groundnut oil, etc.
Edible vegetable fat	Give type of vegetable fat (interesterified vegetable fat, hydrogenated oils, partially hydrogenated oils, edible vegetable fats, margarine and fat spreads, such as mixed fat spreads, vegetable fat spreads.]
Animal fat / oil other than milk fat	Give name of the source of fat. Pork fat, lard and beef fat or extracts thereof shall be declared by specific names.
Starches, other than chemically modified starches	Starch
All species of fish where the fish constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a species of fish	Fish
All types of poultry meat where such meat constitutes an ingredient of another food and provided that the labelling and presentation of such a food does not refer to a specific type of poultry meat	Poultry meat

All types of cheese where cheese or mixture of cheeses constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific type of cheese	Cheese
All spices and condiments and their extracts	Spices and condiments or mixed spices/ condiments as appropriate
All types of gum or preparations used in the manufacture of gum base for chewing gum	Gum Base
Anhydrous dextrose and dextrose monohydrate	Dextrose or Glucose
All types of Caseinates	Caseinates
Press, expeller or refined cocoa butter	Cocoa butter
All candied, crystallized and glazed fruit or vegetable or rhizome or fruit peel	Crystallized fruit
All milk and milk products derived solely from milk	Milk solids
Cocoa bean, Coconib, Cocomass, Cocoa press cakes, Cocoa powder (Fine/Dust).	Cocoa solids

Provided further that pork fat, lard and beef fat or extract thereof shall be declared by their specific names;

(d) Where an ingredient itself is the product of two or more ingredients, such a compound ingredients shall be declared in the list of ingredients, and shall be accompanied by a list, in brackets, of

its ingredients in descending order of weight or volume, as the case may be:

Provided that where a compound ingredient, constitutes less than five percent of the food, the list of ingredients of the compound ingredient, other than food additive, need not to be declared;

(e) Added water shall be declared in the list of ingredients except in cases where water forms part of an ingredient, such as, brine, syrup or broth, used in the compound food and so declared in the list of ingredients:

Provided that water or other volatile ingredients evaporated in the course of manufacture need not be declared;

Provided further that in the case of dehydrated or condensed food, which are intended to be reconstituted by addition of water, the ingredients in such reconstituted food shall be declared in descending order of weight or volume as the case may be, and shall contain a statement such as “Ingredients of the product when prepared in accordance with the directions on the label”;

(f) Every package of food sold as a mixture or combination shall disclose the percentage of the ingredient used at the time of the manufacture of the food (including compound ingredients or categories of ingredients), if such ingredient—

(i) is emphasised as present on the label through words or pictures or graphics; or

(ii) is not within the name of the food but, is essential to characterise the food and is expected to be present in the food by consumers, and if the omission of the quantitative ingredient declaration will mislead or deceive the consumer.

Provided that where the ingredient has been used as flavouring agent, the disclosure of such ingredient is not required:

Provided further that where the drained net weight is indicated on the label as required or in case of such food products where specific provisions are stipulated under these Regulations or where a pictorial representation of a serving suggestion is made for consumer information and use, the disclosure of such ingredient is not required.

Provided further that in case of any bottle containing liquid milk or liquid beverage having milk as an ingredient, soft drink, carbonated water or ready-to-serve fruit beverages, the declarations with regard to addition of fruit pulp and fruit juice shall invariably appear on the body of the bottle.

3. Nutritional information – Nutritional Information or nutritional facts per 100 gm or 100ml or per serving of the product shall be given on the label containing the following:—

- (i) energy value in kcal;
- (ii) the amounts of protein, carbohydrate (specify quantity of sugar) and fat in gram (g) ;
- (iii) the amount of any other nutrient for which a nutrition or health claim is made:

Provided that where a claim is made regarding the amount or type of fatty acids or the amount of cholesterol, the amount of saturated fatty acids, monounsaturated fatty acids and polyunsaturated fatty acids in gram (g) and cholesterol in milligram (mg) shall be declared, and the amount of trans fatty acid in gram (g) shall be declared in addition to the other requirement stipulated above;

(iv) Wherever, numerical information on vitamins and minerals is declared, it shall be expressed in metric units;

(v) Where the nutrition declaration is made per serving, the amount in gram (g) or milliliter (ml) shall be included for reference beside the serving measure;

Provided that the food claimed to be enriched with nutrients, such as, minerals, proteins, vitamins, metals or their compounds, amino acids or enzymes shall give the quantities of such added nutrients on the label.

Provided that —

(i) the nutritional information may not be necessary, in case of foods such as raw agricultural commodities, like, wheat, rice, cereals, spices, spice mixes, herbs, condiments, table salt, sugar, jaggery, or non –nutritive products, like, soluble tea, coffee, soluble coffee, coffee-chicory mixture, packaged drinking water, packaged mineral water, alcoholic beverages or fruit and vegetables, processed and pre- packaged assorted vegetables, fruits, vegetables and products that comprise of single ingredient, pickles, papad, or foods served for immediate consumption such as served in hospitals, hotels or by food services vendors or halwais, or food shipped in bulk which is not for sale in that form to consumers.

(ii) The compliance to quantity of declared nutrients on the label shall be according to the established practices.

Explanation — For the purpose of this provision, at the time of analysis, due consideration, based on shelf-life, storage, and inherent nature of the food shall be kept in view in case of quantity declared nutrients;

⁴[(iii) Every package of edible oils, interesterified vegetable fat, both

hydrogenated or partially hydrogenated oils, edible fats, margarine and fat spreads (mixed fat spread and vegetable fat spread) and package of food in which fats, oils and fat emulsions is used as an ingredient shall declare the quantity of trans fat content and saturated fat content on the label.]

Provided further that, a health claim of ‘trans fat free’ may be made in cases where the trans fat is less than 0.2 gm per serving of food and the claim ‘saturated fat free’ may be made in cases where the saturated fat does not exceed 0.1 gm per 100 gm or 100 ml of food.

For the purpose of regulation 2.2.2 (3);

(i) “Health claims” means any representation that states, suggests or implies that a relationship exists between a food or a constituent of that food and health and include nutrition claims which describe the physiological role of the nutrient in growth, development and normal functions of the body, other functional claims concerning specific beneficial effect of the consumption of food or its constituents, in the context of the total diet, on normal functions or biological activities of the body and such claims relate to a positive contribution to health or to the improvement of function or to modifying or preserving health, or disease risk reduction claim relating to the consumption of a food or food constituents, in the context of the total diet, to the reduced risk of developing a disease or health related condition;

(ii) “Nutrition claim” means any representation which states, suggests or implies that a food has particular nutritional properties which are not limited to the energy value but include protein, fat carbohydrates, vitamins and minerals;

(iii) “Risk reduction” in the context of health claims means significantly altering a major risk factor for a disease or health-related condition;

Provided further that in the case of returnable new glass bottle manufactured and used for packing of such beverages on or after 19th March 2009, the list of ingredient and nutritional information shall be given on the bottle.

4. Declaration regarding Veg or Non veg –

(i) Every package of “Non Vegetarian” food shall bear a declaration to this effect made by a symbol and colour code as stipulated below to indicate that the product is Non-Vegetarian Food. The symbol shall consist of a brown colour filled circle having a diameter not less than the minimum size specified in the Table mentioned in the regulation 2.2.2 (4) (iv), inside a square with brown outline having sides double the diameter of the circle as indicated below :



(ii) Where any article of food contains egg only as Non-Vegetarian ingredient, the manufacturer, or packer or seller may give declaration to this effect in addition to the said symbol.

(iii) Every package of Vegetarian Food shall bear a declaration to this effect by a symbol and colour code as stipulated below for this purpose to indicate that the product is Vegetarian Food. The symbol shall consist of a green colour filled circle, having a diameter not less than the minimum size specified in the Table below, inside the square with green outline having size double the diameter of the circle, as indicated below :



(iv) Size of the logo

Sl No.	Area of principal display panel	Minimum size of diameters in mm
1.	Upto 100 cms. Square.	3
2.	Above 100 cms. square upto 500 cms square.	4
3.	Above 500 cms square upto 2500 cms square.	6
4.	Above 2500 cms. Square.	8

The symbol shall be prominently displayed

- (i) on the package having contrast background on principal display panel;
- (ii) just close in proximity to the name or brand name of the product;
- (iii) on the labels, containers, pamphlets, leaflets, advertisements in any media;

Provided also that the provisions of regulation 2.2.2(4) shall not apply in respect of mineral water or packaged drinking water or carbonated water or alcoholic drinks, or liquid milk and milk powders.

5. Declaration regarding Food Additives-

- (i) For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following class titles shall be used together with the specific names or recognized international numerical identifications:

Acidity Regulator, Acids, Anticaking Agent, Antifoaming Agent, Antioxidant, Bulking Agent, Colour, Colour Retention Agent,

Emulsifier, Emulsifying Salt, Firming Agent, Flour Treatment Agent, Flavour Enhancer, Foaming Agent, Gelling Agent, Glazing Agent, Humectant, Preservative, Propellant, Raising Agent, Stabilizer, Sweetener, Thickener:

(ii) Addition of colours and/or Flavours—

(a) Extraneous addition of colouring matter to be mentioned on the label – Where an extraneous colouring matter has been added to any article of food, there shall be displayed one of the following statements in capital letters, just beneath the list of the ingredients on the label attached to any package of food so coloured, namely:

CONTAINS PERMITTED NATURAL COLOUR(S)

OR

CONTAINS PERMITTED SYNTHETIC FOOD COLOUR(S)

OR

CONTAINS PERMITTED NATURAL AND SYNTHETIC FOOD
COLOUR(S)

Provided that where such a statement is displayed along with the name or INS no of the food colour, the colour used in the product need not be mentioned in the list of ingredients.

(b) Extraneous addition of flavouring agents to be mentioned on the label.

Where an extraneous flavouring agent has been added to any article of food, there shall be written just beneath the list of ingredients on the label attached to any package of food so flavoured, a statement in capital letters as below :

CONTAINS ADDED FLAVOUR (specify type of flavouring agent

as per Regulation 3.1.10(1) of Food Safety and Standards (Food product standards and food additive) Regulation, 2011

(c) In case both colour and flavour are used in the product, one of the following combined statements in capital letters shall be displayed, just beneath the list of ingredients on the label attached to any package of food so coloured and flavoured, namely :—

CONTAINS PERMITTED NATURAL COLOUR(S) AND
ADDED FLAVOUR(S)

OR

CONTAINS PERMITTED SYNTHETIC FOOD COLOUR(S)
AND ADDED FLAVOUR(S)

OR

CONTAINS PERMITTED NATURAL AND SYNTHETIC FOOD
COLOUR(S) AND ADDED FLAVOUR(S)

Provided that in case of artificial flavouring substances, the label shall declare the common name of the flavours, but in case of the natural flavouring substances or nature identical flavouring substances, the class name of flavours shall be mentioned on the label and it shall comply with the requirement of label declaration as specified under the regulation 2.2.2 (5) (ii)

Note: — When statement regarding addition of colours and/or flavours is displayed on the label in accordance with regulation 2.2.2(5)(ii) and regulation 3.2.1 of Food Safety and Standards (Food Product Standards and Food Additive) Regulation, 2011, addition of such colours and/or flavours need not be mentioned in the list of ingredients. Also, in addition to above statement, the common name or class name of the flavour shall also be mentioned on label.

Provided further that when combined declaration of colours and

flavours are given, the International Numerical Identification number of colours used shall also be indicated either under the list of ingredients or along with the declaration.

Provided also further that every package of synthetic food colours preparation and mixture shall bear a label upon which is printed a declaration giving the percentage of total dye content

6. Name and complete address of the manufacturer

(i) The name and complete address of the manufacturer and the manufacturing unit if these are located at different places and in case the manufacturer is not the packer or bottler, the name and complete address of the packing or bottling unit as the case may be shall be declared on every package of food;

(ii) Where an article of food is manufactured or packed or bottled by a person or a company under the written authority of some other manufacturer or company, under his or its brand name, the label shall carry the name and complete address of the manufacturing or packing or bottling unit as the case may be, and also the name and complete address of the manufacturer or the company, for and on whose behalf it is manufactured or packed or bottled;

(iii) Where an article of food is imported into India, the package of food shall also carry the name and complete address of the importer in India.

Provided further that where any food article manufactured outside India is packed or bottled in India, the package containing such food article shall also bear on the label, the name of the country of origin of the food article and the name and complete address of the importer and the premises of packing or bottling in India.

7. Net quantity

(i) Net quantity by weight or volume or number, as the case may be, shall be declared on every package of food; and

(ii) In addition to the declaration of net quantity, a food packed in a liquid medium shall carry a declaration of the drained weight of the food.

Explanation 1.— For the purposes of this requirement the expression “liquid medium” include water, aqueous solutions of sugar and salt, fruit and vegetable juices or vinegar, either singly or in combination.

Explanation 2.— In declaring the net quantity of the commodity contained in the package, the weight of the wrappers and packaging materials shall be excluded:

(iii) Where a package contains a large number of small items of confectionery, each of which is separately wrapped and it is not reasonably practicable to exclude from the net weight of the commodity, the weight of such immediate wrappers of all the items of the confectionery contained in the package, the net weight declared on the package containing such confectionary or on the label thereof may include the weight of such immediate wrapper if the total weight of such immediate wrapper does not exceed –

(a) eight per cent, Where such immediate wrapper is a waxed paper or other paper with wax or aluminium foil under strip; or

(b) six per cent. In case of other paper of the total net weight of all the items of confectionery contained in the package minus the weight of immediate wrapper.

8. Lot/Code/Batch identification

A batch number or code number or lot number which is a mark of identification by which the food can be traced in the manufacture and identified in the distribution, shall be given on the label.

Provided that in case of packages containing bread and milk including sterilised milk, particulars under this clause shall not be required to be given on the label.

9. Date of manufacture or packing.—

The date, month and year in which the commodity is manufactured, packed or pre-packed, shall be given on the label:

Provided that the month and the year of manufacture, packing or pre-packing shall be given if the “Best Before Date” of the products is more than three months:

Provided further that in case any package contains commodity which has a short shelf life of less than three months, the date, month and year in which the commodity is manufactured or prepared or pre-packed shall be mentioned on the label.

10. Best Before and Use By Date

(i) the month and year in capital letters upto which the product is best for consumption, in the following manner, namely:—

“BEST BEFORE MONTHS AND YEAR

OR

“BEST BEFORE MONTHS FROM PACKAGING

OR

“BEST BEFOREMONTHS FROM MANUFACTURE

(Note: — blank be filled up)

(ii) In case of package or bottle containing sterilised or Ultra High Temperature treated milk, soya milk, flavoured milk, any package containing bread, dhokla, bhelpuri, pizza, doughnuts, khoa, paneer, or any uncanned package of fruits, vegetable, meat, fish or any other like commodity, the declaration be made as follows:—

Note:

“BEST BEFOREDATE/MONTH/YEAR”

OR

“BEST BEFORE.....DAYS FROM PACKAGING”

OR

“BEST BEFORE DAYS FROM MANUFACTURE”

(a) blanks be filled up

(b) Month and year may be used in numerals (c) Year may be given in two digits

(iii) On packages of Aspartame, instead of Best Before date, Use by date/recommended last consumption date/expiry date shall be given, which shall not be more than three years from the date of packing;

(iv) In case of infant milk substitute and infant foods instead of Best Before date, Use by date/ recommended last consumption date/ expiry date shall be given,

Provided further that the declaration of best before date for consumption shall not be applicable to (i) wines and liquors

(ii) alcoholic beverages containing 10 percent or more by volume of alcohol.

Provided further that above provisions except net weight/net content, nutritional information, manufacturer's name and address, date of manufacture and "best before" shall not apply in respect of carbonated water (plain soda and potable water impregnated with carbon dioxide under pressure) packed in returnable glass bottles

11. Country of origin for imported food:

(i) The country of origin of the food shall be declared on the label of food imported into India.

(ii) When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

12. Instructions for use:

(i) Instructions for use, including reconstitution, where applicable, shall be included on the label, if necessary, to ensure correct utilization of the food.

2.3 : Manner of declaration

2.3.1 : General Conditions

1. Any information or pictorial device written, printed, or graphic matter may be displayed in the label provided that it is not in conflict with the requirements of these Regulations.

2. Every declaration which is required to be made on package under these regulations shall be:

(i) Legible and prominent, definite, plain and unambiguous (ii) Conspicuous as to size number and colour,

(iii) as far as practicable, in such style or type of lettering as to be boldly, clearly and conspicuously present in distinct contrast to the other type, lettering or graphic material used on the package, and shall be printed or inscribed on the package in a colour that contrasts conspicuously with the background of the label

Provided that —

(a) Where any label information is blown, formed or moulded on a glass or plastic surface or where such information is embossed or perforated on a package, that information shall not be required to be presented in contrasting colours:

(b) Where any declaration on a package is printed either in the form of a handwriting or hand script, such declaration shall be clear, unambiguous and legible.

3. No declaration shall be made so as to require it to be read through any liquid commodity contained in the package.

4. Where a package is provided with an outside container or wrapper, such container or wrapper shall also contain all the declarations which are required to appear on the package except where such container or wrapper itself is transparent and the declarations on the package are easily readable through such outside

container or wrapper.

5. Labels not to contain false or misleading statements: A label shall not contain any statement, claim, design, device, fancy name or abbreviation which is false or misleading in any particular concerning the food contained in the package, or concerning the quantity or the nutritive value or in relation to the place of origin of the said food:

Provided that this regulation shall not apply in respect of established trade or fancy names of confectionery, biscuits and sweets, such as, barley,sugar,bull’s eye, cream cracker or in respect of aerated waters, such as, Ginger Beer or Gold-Spot or any other name in existence in international trade practice.

2.3.2 Principal display panel: The information required under these Regulations shall be given on the principal display panel of the package or container and such information may be given in the following manner.

(a) All information should be grouped together and given at one place. OR The pre-printed information be grouped together and given in one place and ,

(b) Online information or those not pre-printed be grouped together in another place. 1. Area of the principal display panel

The area of principal Display panel shall not be less than —

(a) In the case of a rectangular container, forty percent of the product of height and width of the panel of such container having the largest area;

(b) In case of cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval container, twenty percent of the product

of the height and average circumference of such container; or

(c) In the case of container of any other shape, twenty percent of the total surface area of the container except where there is label, securely affixed to the container, such label shall give a surface area of not less than ten percent of the total surface area of the container.

Provided that in the case of package having a capacity of five cubic centimeters or less, the principal display panel may be card or tape affixed firmly to the package or container and bearing the required information under these regulations.

2.3.3 The height of numeral in the declaration

(i) The height of any numeral required under these regulations, on the principal display panel shall not be less than—

(a) as shown in Table - I below, if the net quantity is declared in terms of weight or volume and (b) as shown in Table II below, if the net quantity is declared in terms of length, area or number.

TABLE – I When net quantity is in weight or volume

Sl. No	Weight/volume	Minimum height of numeral in mm	
		Normal case	When blown, formed Moulded, or perforated on container
1.	Upto 50g/ml	1	2
2.	Above 50g/ml upto 200g/ml	2	4

3.	Above 200 g/ml upto 1 kg/litre	4	6
4.	Above 1 kg/litre	6	8

TABLE – II When net quantity is in length, area, number

Sl. No	Area of principal display panel	Minimum height of numeral in mm	
		Normal case	When blown, formed Moulded, or perforated on container
1.	Upto 100 cms square	1	2
2.	Above 100 cms. Square upto 500 cms. Square	2	4
3	Above 500 cms. Square upto 2500 cms. Square	4	6
4.	Above 2500 cms. Square	6	8

(ii) The height of letters in the declaration under 2.2 shall not be less than 1 mm height when blown, formed, moulded, embossed or perforated, the height of letters shall not be less than 2mm.

Provided that the width of the letter or numeral shall not be less than one-third of its height, but this proviso shall not apply in the case of numeral “I” and letters i, I& I:

Provided further that in case of label declarations required under 2.4.4 and 2.4.5 except in case declaration specifying instructions for use or preparation of the product, the size of letters shall not be less than 3mm.

2.4 : Specific Requirements/ Restrictions on manner of labelling

2.4.1 : Labelling of infant milk substitute and infant food

1. An article of infant milk substitutes /infant foods, whose standards are not prescribed under Food Safety and Standards (Food Products standards and Food Additives) Regulations, 2011 shall be manufactured for sale, exhibited for sale or stored for sale only after obtaining the approval of such articles of food and its label from the Authority.

2. Without prejudice to any other provisions relating to labelling requirements contained in these regulations, every container of infant milk substitute or infant food or any label affixed thereto shall indicate in a clear, conspicuous and in an easily readable manner, the words “IMPORTANT NOTICE” in capital letters and indicating there under the following particulars, namely:—

(i) a statement “MOTHER’S MILK IS BEST FOR YOUR BABY” in capital letters. The types of letters used shall not be less than five millimeters and the text of such statement shall be in the Central Panel of every container of infant milk substitute or infant food or any label affixed thereto. The colour of the text printed or used shall be different from that of the background of the label, container as the case may be. In case of infant food, a statement indicating “infant food shall be introduced only (after the age of six months and upto the age of two years)” shall also be given;

(ii) a statement that infant milk substitute or infant food should be used only on the advice of a health worker as to the need for its use and the proper method of its use;

(iii) a warning that infant milk substitute or infant food is not the sole source of nourishment of an infant;

(iv) a statement indicating the process of manufacture (e.g spray dried) except in case of infant foods, instruction for appropriate and hygienic preparation including cleaning of utensils, bottles and teats and warning against health hazards of inappropriate preparations, as under;

“Warning/ caution-Careful and hygienic preparation of infant foods/ infant milk substitute is most essential for health. Do not use fewer scoops than directed since diluted feeding will not provide adequate nutrients needed by your infant. Do not use more scoops than directed since concentrated feed will not provide the water needed by your infant”.

(v) the approximate composition of nutrients per 100 gms. of the product including its energy value in Kilo Calories/Joules;

(vi) the storage condition specifically stating “store in a cool and dry place in an air tight container” or the like (after opening use the contents within the period mentioned or the expiry date whichever is earlier);

(vii) the feeding chart and directions for use and instruction for discarding leftover feed;

(viii) Instruction for use of measuring scoop (level or heaped) and the quantity per scoop (scoop to be given with pack);

(ix) indicating the Batch No. Month and Year of its manufacture and expiry date

(x) the protein efficiency ratio (PER) which shall be minimum 2.5 if the product other than infant milk substitute is claimed to have higher quality protein;

(xi) the specific name of the food additives, if permitted, shall be declared in addition to appropriate class names.

3. No containers or label referred to in 2.4.1(2) relating to infant milk substitute or infant food shall have a picture of infant or women or both. It shall not have picture or other graphic materials or phrases designed to increase the saleability of the infant milk substitute or infant food. The terms “Humanised” or “Maternalised” or any other similar words shall not be used. The Package and/or any other label of infant milk substitute or infant food shall not exhibit the words, “Full Protein Food”, “energy Food”, “Complete food” or “Health Food” or any other similar expression.

4. The containers of infant milk substitute meant for (premature baby (born before 37 weeks)/low birth weight infant (less than 2500gm) or labels affixed thereto shall indicate the following additional information, namely:—

(i) the words [PREMATURE BABY (BORN BEFORE 37 WEEKS) LOW BIRTH WEIGHT (LESS THAN 2.5 KG] in capital letters along with the product name in central panel;

(ii) a statement “the low birth weight infant milk substitute shall be withdrawn under medical advice as soon as the mother’s milk is sufficiently available”; and

(iii) a statement “TO BE TAKEN UNDER MEDICAL ADVICE” in capital letters.

5. The product which contains neither milk nor any milk derivatives shall be labelled “contains no milk or milk product” in conspicuous manner.

6. The container of infant milk substitute for lactose or lactose and sucrose intolerant infants or label affixed thereto shall

indicate conspicuously “LACTOSE-FREE or SUCROSE-FREE or LACTOSE and SUCROSE-FREE” in capital letters and statement “TO BE TAKEN UNDER MEDICAL ADVICE” and shall also bear the following statements, namely:—

“Lactose free Infant Milk Substitute should only be used in case of diarrhea due to lactose intolerance. The lactose free/sucrose free Infant Milk Substitute should be withdrawn if there is no improvement in symptoms of intolerance”.

7. The container of infant milk substitute meant for infants with allergy to cow’s /buffalo’s milk protein or soy protein or label affixed thereto shall indicate conspicuously “HYPOALLERGENIC FORMULA” in capital letters and statement “TO BE TAKEN UNDER MEDICAL ADVICE”.

8. Declaration to be surrounded by line:

There shall be a surrounding line enclosing the declaration where the words “unsuitable for babies” are required to be used.

(i) Distance of surrounding line:

The distance between any part of the words “unsuitable for babies” surrounding the line enclosing these words shall not be less than 1.5 mm.

2.4.2 : Labelling of edible oils and fats

1. The package, label or the advertisement of edible oils and fats shall not use the expressions “Super-Refined”, “Extra-Refined”, “Micro-Refined”, “Double-Refined”, “Ultra-Refined”, “Anti- Cholesterol”, “Cholesterol Fighter”, “Soothing to Heart”, “Cholesterol Friendly”, “Saturated Fat Free” or such other expressions which are an exaggeration of the quality of the Product.

2. Every container in which solvent-extracted oil or de-oiled meal or edible flour is packed for sale shall, at the time of sale by the producer, bear the following particulars in English or Hindi (Devnagri script) :—

(i) the name, trade name, if any, or description of the solvent-extracted oil or de-oiled meal or edible flour, as the case may be:

(ii) in the case of oil not conforming to the standards of quality for “refined” grade solvent extracted oils specified in regulation 2.2.6 (1) of Food Safety and Standards (Food Products Standards and Food Additive) Regulation, 2011 for Edible vegetable oil/ Vanaspati, a declaration in a type-size of not less than 50 mm, as follows shall appear on the label:

(a) “NOT FOR DIRECT EDIBLE CONSUMPTION”, in the case of oils complying with the requirements for the “semi-refined” or “raw-grade 1” grades of oil specified in regulation 2.2.6 (1) of Food Safety and Standards (Food Products standards and Food Additive) Regulation, 2011

(b) “FOR INDUSTRIAL NON-EDIBLE USES ONLY”, in the case of oils not complying with the requirements under item (a) above;

(iii) the name and business particulars of the producer; (iv) the net weight of the contents in the container;

(v) the batch number, month and year of manufacture:

Provided that where solvent extracted oils are transported in bulk in rail tank-wagons or road tankers, or where de-oiled meal or edible flour is transported in bulk either for storage in silos or transferred to ship for bulk shipment, it shall be sufficient if the aforesaid particulars are furnished in the accompanying documents.

3. Every container in which solvent is packed shall, at the time of sale by the manufacturer or dealer thereof, bear the Indian Standards Institution certification mark.

4. Every container in which vanaspati, margarine, bakery shortening, blended edible vegetable oils, mixed fat spread and refined vegetable oil is packed in addition to other labelling requirements provided in these regulations shall bear the following particulars in English or Hindi in Devnagri script:

(a) The name/description of the contents, “free from Argemone Oil”;

(b) The mass/volume of the contents;

⁵[(c).....]

5. Every container of refined vegetable oil shall bear the following label, namely,—

Provided that the container of imported edible oil shall also bear the word, “Imported”, as prefix.

Refined (name of the Oil) Oil

6. Every package containing an admixture of palmolein with groundnut oil shall carry the following label, namely,—

BLEND OF PALMOLEIN A Palmolein. ND GROUNDNUT OIL.....per cent Groundnut oil.....per cent
--

7. Every package containing an admixture of imported rape-

seed oil with mustard oil, shall carry the following label, namely :

BLEND OF IMPORTED RAPE-SEED OIL AND MUSTARD

OIL Imported rape-seed oil.....per cent

Mustard oil.....per cent

8. Every package of vanaspati made from more than 30 percent of Rice bran oil shall bear the following label, namely :—

This package of vanaspati is made from more than 30 per cent

Rice bran oil by weight

9. Every package containing Fat Spread shall carry the following labels namely:—

Milk Fat Spread Use before

Date of packing

Total Fat ContentPer cent by weight

Mixed Fat Spread

Use before

date of packing

Per cent by

weight.....

Milk Fat Content.....

Total Fat ContentPercent by weight

Vegetable Fat Spread

Use before

Date of packing

Total ContentPer cent by weight

10. A package containing annatto colour in vegetable oils shall bear the following label namely :—

Annatto colour in oil (Name of oil/oils) used

11. Every package containing an admixture of edible oils shall carry the following label, namely:—

This blended edible vegetable oil contains an admixture of :

(i)..... % by Weight

(ii) % by Weight

(Name and nature of edible vegetable oils i.e. in raw or refined form) Date of Packing.....

There shall also be the following declaration in bold capital letters along with the name of product on front/ central panel,—

NOT TO BE SOLD LOOSE

2.4.3 : Labelling of permitted food colours

1. No person shall sell a permitted synthetic food colours for use in or upon food unless its container carries a label stating the following particulars:—

(i) the words “Food Colours”;

(ii) the chemical and the common or commercial name and

colour index of the dye-stuff.

2. No person shall sell a mixture of permitted synthetic food colours for use in or upon food unless its container carries a label stating the following particulars:—

- (i) the words “Food Colour Mixture”;
- (ii) the chemical and the common or commercial name and colour index of the dye stuff contained in the mixture.

3. No person shall sell a preparation of permitted synthetic food colours for use in or upon food unless its container carries a label stating the following particulars:—

- (i) the words “Food Colour Preparation”;
- (ii) the name of the various ingredients used in the preparation.

⁷[.....]

⁸[2.4.4]: Specific Labelling Requirements of other Products

1. Coffee-Chicory Mixture:- (i) Every package containing a mixture of coffee and chicory shall have affixed to it a label upon which shall be printed the following declaration:

Coffee blended with Chicory This mixture contains
Coffee..... Per cent
Chicory..... Per cent

(ii) Every package containing Instant Coffee-Chicory mixture shall have affixed to it a label upon which shall be printed the following declarations;

Instant Coffee-Chicory mixture made from blends of coffee and
chicory

Coffee..... Per cent

Chicory..... Per cent

2. CONDENSED MILK OR DESICCATED (DRIED) MILK:

Every package containing condensed milk or desiccated (dried) milk shall bear a label upon which is printed such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the State Government, namely,—

(i) In the case of condensed milk (unsweetened):

CONDENSED MILK UNSWEETENED

(Evaporated Milk) (This tin contains the equivalent) of (x).....
liters of toned milk

(ii) In the case of condensed milk (sweetened):

CONDENSED MILK SWEETENED

This tin contains the equivalent of (x)..... litres of toned milk
with sugar added

(iii) In the case of condensed skimmed milk (unsweetened):

CONDENSED SKIMMED MILK UNSWEETENED

(Evaporated Skimmed Milk) This tin contains the equivalent of
(x)..... liters of skimmed milk

(iv) In the case of condensed skimmed milk (sweetened):

CONDENSED SKIMMED MILK SWEETENED

This tin contains the equivalent of (x).....litres of skimmed milk with sugar added”

(v) In the case of condensed milk (sweetened and flavoured):

This has been flavoured with.....

NOT TO BE USED FOR INFANTS BELOW SIX MONTHS

(vi) In the case of condensed milk/condensed Skimmed milk (unsweetened) Sterilised by Ultra High Temperature (UHT) treatment:

This has been sterilised by UHT
Process

(vii) In the case of milk powder:

MILK POWDER

This tin contains the equivalent of (x)..... litres of toned milk

(viii) In the case of milk powder which contains lecithin:

MILK POWDER IN THIS PACKAGE CONTAINS LECITHIN

(ix) In the case of partly skimmed milk powder :

PARTLY SKIMMED MILK POWDER

This tin contains the equivalent of (x)..... litres of partly skimmed milk having..... per cent milk fat

(x) In the case of skimmed milk powder:

SKIMMED MILK POWDER

This tin contains the equivalent of (x)..... litres of skimmed milk

3. The declaration shall in each case be completed by inserting at (x) the appropriate number in words and in figures, for example, “one and a half (1½)”, any fraction being expressed as eight quarters or a half, as the case may be.

4. There shall not be placed on any package containing condensed milk or desiccated (dried) milk any comment on, explanation of, or reference to either the statement of equivalence, contained in the prescribed declaration or on the words “machine skimmed” “skimmed” or “unsuitable for babies” except instructions as to dilution as follows:

“To make a fluid not below the composition of toned milk or skimmed milk (as the case may be) with the contents of this package, add (here insert the number of parts) of water by volume to one part by volume of this condensed milk or desiccated (dried) milk”.

Sweetened condensed milk and other similar products which are not suitable for infant feeding shall not contain any instruction of modifying them for infant feeding.

5. Wherever the word “milk” appears on the label of a package of condensed skimmed milk or of desiccated (dried) skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the word “machine skimmed” or “partly skimmed”, as the case may be.

6. Fluid milk: — The caps of the milk bottles /pouch/tetrapack shall clearly indicate the nature of the milk contained in them. The indication may be either in full or by abbreviation shown below :

- (i) Buffalo milk may be denoted by the letter 'B'.
- (ii) Cow milk may be denoted by the letter 'C'
- (iii) Goat milk may be denoted by the letter 'G'
- (iv) Standardized milk may be denoted by the letter 'S'
- (v) Toned milk may be denoted by the letter 'T'
- (vi) Double toned milk may be denoted by the letter 'DT'
- (vii) Skimmed milk may be denoted by the letter 'K'
- (viii) Pasteurised milk may be denoted by the letter 'P'; followed by the class of milk. For example Pasteurised Buffalo milk shall bear the letters 'PB '.
- (ix) Alternatively suitable indicative colours of the packs/caps/bags shall be indicative of the nature of milk contained in them, the classification of colours being displayed at places where milk is sold\stored or exhibited for sale, provided that the same had been simultaneously intimated to the concerned Designated Officer, and information disseminated through the local media

7. Ice cream — Every dealer in ice-cream or mixed ice-cream who in the street or other place of public resort, sells or offers or exposes for sale, ice-cream or ice-candy, from a stall or from a cart, barrow or other vehicle or from a basket, phial, tray or other container used without a staff or a vehicle shall have his name and address along with the name and address of the manufacturer, if any, legibly and conspicuously 'displayed' on the stall, vehicle or container as the case may be.

8. Hingra — Every container containing Hingra shall bear a

label upon which is printed a declaration in the following form, namely,—

“This container contains Hingra (Imported from Iran\Afghanistan) and is certified to be conforming to the standards laid down in the Food Safety and Standards regulations”

9. Light Black Pepper:- Every package containing light black pepper shall bear the following label in addition to the Agmark seal and the requirements prescribed under regulation 2.2.1 and 2.2.2 of these regulations:

Light Black Pepper (Light berries)

10. Every package containing “Cassia Bark” shall bear the following label.

CASSIA BARK (TAJ)

11. Every package containing “CINNAMON” shall bear the following label

CINNAMON (DALCHINI)

12. Every package of chillies which contains added edible oil shall bear the following label:

CHILLIES IN THIS PACKAGE CONTAINS AN ADMIXTURE OF NOT MORE THAN 2 PERCENT OF.....(NAME OF OIL) EDIBLE OIL

13. Every package of ice-cream, kulfi, kulfa and chocolate ice-cream containing starch shall have a declaration on a label as specified in regulation 2.7.1(2)

14. Masala: Every package of mixed masala fried in oil shall bear the following label:

MIXED MASALA (FRIED)
THIS MASALA HAS BEEN FRIED IN (Name of the edible oil used)

15. Compounded Asafoetida: Every container of compounded asafoetida shall indicate the approximate composition of edible starch or edible cereal flour used in the compound, on the label.

16. Every package containing maida treated with improver or bleaching agents shall carry the following label, namely,-

WHEAT FLOUR TREATED WITH IMPROVER/BLEACHING AGENTS, TO BE USED BY BAKERIES ONLY

17. Unless otherwise provided in these regulations, every package of malted milk food which contains added natural colouring matter except caramel, shall bear the following label, namely,-

MALTED MILK FOOD IN THIS PACKAGE CONTAINS PERMITTED NATURAL COLOURING MATTER

17. Every advertisement for and/or a package of food containing added Monosodium Glutamate shall carry the following declaration, namely,-

This package of..... (name of the food contains added)
MONOSODIUM GLUTAMATE
NOT RECOMMENDED FOR INFANTS BELOW -12 MONTHS

19. Every container of refined salseed fat shall bear the following label,

REFINED SALSEED FAT FOR USE IN BAKERY AND
CONFECTIONERY NLY

20. Every container or package of table iodised salt or iron fortified common salt containing permitted anticaking agent shall bear the following label, namely,-

IODIZED SALT / IRON FORTIFIED COMMON SALT*
CONTAINS PERMITTED ANTICAKING AGENT

* Strike out whichever is not applicable

21. Every container or package of iron fortified common salt shall bear the following label, namely,—

IRON FORTIFIED COMMON SALT

22. Every package of Dried Glucose Syrup containing sulphur dioxide exceeding 40 ppm shall bear the following label namely,—

DRIED GLUCOSE SYRUP FOR USE IN SUGAR
CONFECTIONERY ONLY

23. A package containing tea with added flavour shall bear the following label, namely,—

“FLAVOURED TEA” (common name of permitted flavour/
percentage) Registration No....

24. Every package of food which is permitted to contain artificial sweetener mentioned in table given in regulation 3.1.3 (1) of Food

Safety and standards (Food Products standards and Food Additive) Regulations, 2011 and an advertisement for such food shall carry the following label, namely,—

- (i) This contains (Name of the artificial sweeteners).
- (ii) Not recommended for children.
- (iii) (a) *Quantity of sugar added gm/100 gm.
- (b) No sugar added in the product.
- (iv) *Not for Phenylketonurics (if Aspartame is added)

*strike out whatever is not applicable

25. In addition to the declarations under regulation 2.4.5 (24 and 26), every package of food which is permitted to contain artificial sweetener mentioned in table in regulation 3.1.3 (1) of Food Safety and Standards (Food Products standards and Food Additive) Regulations, 2011 and an advertisement for such food shall carry the following label, namely,-

CONTAINS ARTIFICIAL SWEETENER AND FOR CALORIE
CONSCIOUS

26. The declaration under regulation 2.4.5 (25) shall be provided along with name or trade name of product and shall be half of the size of the name/ trade name. The declaration may be given in two sentences, but in the same box.

27. Every package of Aspartame (Methyl ester), Acesulfame K, Sucralose and Saccharin Sodium, Neotame marketed as Table Top Sweetener and every advertisement for such Table Top Sweetener shall carry the following label, namely,-

(i) Contains..... (name of artificial sweetener) (ii) Not recommended for children

Provided that the package of aspartame (Methyl ester), marketed as Table Top Sweetener and every advertisement for such Table Top Sweetener shall carry the following label, namely,—

“Not for Phenylketonurics”

28. Every package of food which is permitted to contain a mixture of Aspartame (Methyl Ester) and Acesulfame Potassium Sweeteners mentioned in the Table given in regulation 3.1.3(1) of Food Safety and Standards (Food Products Standards and Food Additive) Regulation,2011, shall carry the following label, namely,-

This (Name of food) contains an admixture of Aspartame (Methyl Ester and Acesulfame Potassium. Not recommended for children.

(a) *Quantity of sugar added..... gm/100gm,\

(b) No sugar added in the product.

(c) *Not for Phenylketoneurics (if Aspartame is added)

*strike out whatever is not applicable

29. Every package of food which is permitted to contain a mixture of Acesulfame Potassium and Sucralose sweeteners mentioned in the Table given in Regulation 3.1.3 (1) of Food Safety and Standards (Food Products Standards and Food Additive) Regulation,2011 shall carry the following label, namely,—

- (i) This(Name of Food) contains a mixture of Sucralose and Acesulfame Potassium;
- (ii) Not recommended for children;
- (iii) *(a) Quantity of sugar added..... gm/100gm;
- *(b) No sugar added in the product;

(*Strike out whichever is not applicable)

30. Every package of Pan Masala and advertisement relating thereto, shall carry the following warning, namely,—

Chewing of Pan Masala is injurious to health

31. Every package of supari and advertisement relating thereto shall carry the following warning in conspicuous and bold print, namely,—

Chewing of Supari is injurious to Health

Chewing of Supari is injurious to Health

32. Every package of fruit squash by whatever name it is sold, containing additional sodium or potassium salt shall bear the following label, namely,—

IT CONTAINS ADDITIONAL SODIUM/POTASSIUM SALT

33. Every package of Cheese (hard), surface treated with Natamycin, shall bear the following label, namely,—

SURFACE TREATED WITH NATAMYCIN

34. Every package of Bakery and Industrial Margarine made from more than 30 per cent of Rice Bran Oil shall bear the following label, namely,—

This package of Bakery & Industrial Margarine is made from more than 30 per cent of Rice Bran Oil by Wt.

35. Every container or package of flavour emulsion and flavour paste meant for use in carbonated or non-carbonated beverages shall carry the following declaration, in addition to the instructions for dilution, namely,—

FLAVOUR EMULSION AND FLAVOUR PASTE FOR USE
IN CARBONATED OR NON-CARBONATED BEVERAGES
ONLY

36. Every package of drinking water shall carry the following declaration in capital letters having the size of each letter as prescribed in Regulation 2.3.3 ;

PACKAGED DRINKING WATER

One time usable plastic bottles of packaged drinking water shall carry the following declaration.

CRUSH THE BOTTLE AFTER USE

37. Every package of mineral water shall carry the following declaration in capital letters having the size of each letter as prescribed in regulation 2.3.3 ;

NATURAL MINERAL WATER

One time usable plastic bottles of mineral water shall carry the

following declaration.

CRUSH THE BOTTLE AFTER USE

38. Every package of food having added caffeine, shall carry the following label, namely,—

“CONTAINS CAFFEINE”

Provided if caffeine is added in the products, it shall be declared on the body of the Container/bottle. Provided also that in case of returnable glass bottles, which are recycled for refilling the declaration of caffeine, may be given on the crown.

39. Every package of Low Fat Paneer/ Chhana shall carry the following label, namely,—

LOW FAT PANEER / CHHANA

40. Every package of Cheese(s), if coated/packed in food grade waxes polyfilm/wrapping of cloth, shall bear the following label, namely,—

REMOVE THE OUTER PACKING BEFORE CONSUMPTION

41. Every package of Frozen Desert / Frozen Confection shall bear the following label, namely,—

Frozen Desserts / Frozen Confection Contain
Milk Fat* / Edible Vegetable Oil* / and Vegetable Fat*

*strike out whatever is not applicable

42. Every container or package of common salt shall bear the

following label, namely,—

COMMON SALT FOR IODISATION* / IRON
FORTIFICATION* / ANIMAL USE* / PRESERVATION /
MEDICINE* / INDUSTRIAL USE*

*strike out whichever is not applicable.

43. Every package of biscuits, bread and cakes ²[yoghurt, mousse, spreads, dairy based drinks (milk shakes, yoghurt drink), cheese, pudding, cream and ice-Cream, frozen dessert like non dairy ice, sorbet and fruit ice, frozen yoghurt, flakes and ready-to-eat dry breakfast cereals, chocolates and sweets and carbohydrate based and milk product based sweets like halwa, mysore pak, boondi laddu, jalebi, khoya burfi, peda, gulab jamun, rasogolla and similar milk product based sweets sold by any name, cooked sausages, ham and meat spreads] containing Oligofructose shall bear the following declaration, namely,—

Contains Oligofructose (dietary fiber) — gm/100 gm

44. Every package of fresh fruit if coated with wax shall carry the following label, namely,—

Coated with wax (give name of wax)

45. Gelatin meant for human consumption should be labeled as “Gelatin Food Grade”

46. Every package of food containing Polyols shall bear the following label,-

Polyols may have laxative effects

47. Every package of food containing Polydextrose shall bear the following label:-

Polydextrose may have laxative effects

²[48. Every package of fat spread, milk products, milk based fruit drink, fermented milk products, soy and rice drink, cheese products, yoghurt products, spice sauces, salad dressings, juices and nectars containing plant stanol esters shall bear the following declarations, namely:—

•Contains Plant Stanol Esters (as Plant Stanols)---gm/100 gm or 100ml.

• Patients on cholesterol lowering medication should use the product under medical supervision.

• May not be nutritionally appropriate for pregnant and lactating women and children under the age of five years.

• Consumption of more than 3g. Per day, total of sterol, stanols or combination thereof shall be avoided.

49. Every package of biscuits, bread, cakes, breakfast cereals, carbonated water, thermally processed fruits, fruit juices, fruit nectars, fruit beverages, fruit squashes, jam, jelly, fruit cheese, marmalade, dairy based drinks, milk powder, carbohydrate- based and milk product based sweets like gulabjamun, rosogolla, peda, khoyaburfi, macroni products, noodles, pasta, sweets and confectionery, candies and icings, savories and snacks wherever the trehalose is added shall bear the following label, namely:—

Contains Trehalose”.

]

³[50. The term “Gluten Free” shall be printed in the immediate

proximity of the name of the product in the case of products described in regulation 2.14 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, namely:-

“Gluten Free”

51. The term “Low Gluten” shall be printed in the immediate proximity of the name of the product in the case of products described in regulation 2.15 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, namely:-

“Low Gluten”

52. The label shall carry a ‘warning’ that ‘the food labelled as Low Gluten may pose a risk for those with celiac disease.’]

6[53. Every package of food product containing Isomaltulose shall bear the following declaration, namely:-

Contains Isomaltulose----- (calories)

54. Every package of flakes and ready to eat dry breakfast cereals, noodles, pasta, salad dressings or toppings and spreads; table top fibre as filler or carrier, cereals and other snack food or savouries and bakery products including biscuits, cookies, bread, cake mix and pastries and other products where dextrin is allowed under these regulations containing added Dietary Fibre (Dextrin-soluble fibre), shall bear the following declarations, namely:-

Contains Dietary Fibre (Dextrin) ----- (Source of soluble Dietary Fibre)

55. Fat spread, milk products, milk based fruit drink, fermented milk products, soy and rice drinks, cheese products, yoghurt

products, spice sauces, salad dressings, juices and nectars, edible oils, and bakery products containing plant sterol shall contain the following declarations, namely:-

- Contains Plant Sterol (as Phytosterols) ---g/100g or 100ml.
- Patients on cholesterol lowering medication should use the product under medical supervision
- May not be nutritionally appropriate for pregnant and lactating women and children under the age of five years.
- Consumption of more than 3g/day, total of sterol, stanols, or combination thereof, should be avoided”

]

***[2.4.5]: Specific restrictions on Product labels**

(1) Labels not to contain reference to Act or rules or regulations contradictory to required particulars :- The label shall not contain any reference to the Act or any of these regulations or any comment on, or reference to, or explanation of any particulars or declaration required by the Act or any of these regulations to be included in the label which directly or by implication, contradicts, qualifies or modifies such particulars or declaration.

(2) Labels not to use words implying recommendations by medical profession: - There shall not appear in the label of any package, containing food for sale the words “recommended by the medical profession” or any words which imply or suggest that the food is recommended, prescribed, or approved by medical practitioners or approved for medical purpose.

(3) Unauthorized use of words showing imitation prohibited

1. There shall not be written in the statement or label attached to any package containing any article of food the word ‘imitation’ or any word, or words implying that the article is a substitute for any food, unless the use of the said word or words is specifically permitted under these regulations.
2. Any fruit syrup, fruit juice, fruit squash, fruit beverages, cordial, crush or any other fruit products standardised under Food Safety and Standards (Food Products standards and Food Additives) Regulations, 2011 which does not contain the prescribed amount of fruit juice or fruit pulp or fruit content shall not be described as a fruit syrup, fruit juice, fruit squash, fruit beverages, cordial, crush or any other fruit product as the case may be.
3. Any food product which does not contain the specified amount of fruit and is likely to deceive or mislead or give a false impression to the consumer that the product contains fruit, whether by use of words or pictorial representation, shall be clearly and conspicuously marked on the label as ‘(NAME OF THE FRUIT) FLAVOURED’.
4. Any food product which contains only fruit flavours, whether natural flavours and natural flavouring substances or nature identical flavouring substances, artificial flavouring substances as single or in combination thereof, shall not be described as a fruit product and the word “ADDED” (NAME OF FRUIT) FLAVOUR shall be used in describing such a product;
5. Carbonated water containing no fruit juice or fruit pulp shall not have a label which may lead the consumer into believing that it is a fruit product.
6. Any fruit and vegetable product alleged to be fortified with vitamin C shall contain not less than 40 mg. of ascorbic acid per 100 gm. of the product.

(4) Imitations not to be marked “pure”

The word “pure” or any word or words of the same significance shall not be included in the label of a package that contains an imitation of any food.

(5) Labelling prohibitions for Drinking Water (Both Packaged and Mineral Water)

(i) No claims concerning medicinal (preventative, alleviative or curative) effects shall be made in respect of the properties of the product covered by the standard Claims of other beneficial effects related to the health of the consumer shall not be made.

(ii) The name of the locality, hamlet or specified place may not form part of the trade name unless it refers to a packaged water collected at the place designated by that trade name.

(iii) The use of any statement or of any pictorial device which may create confusion in the mind of the public or in any way mislead the public about the nature, origin, composition, and properties of such waters put on sale is prohibited.

2.5 : Restriction on advertisement

There shall be no advertisement of any food which is misleading or contravening the provisions of Food Safety and Standards Act, 2006 (34 of 2006) or the rules/regulations made thereunder.

2.6 : Exemptions from labelling requirements-

2.6.1

1. Where the surface area of the package is not more than 100 square centimeters, the label of such package shall be exempted

from the requirements of list of ingredients, Lot Number or Batch Number or Code Number, nutritional information and instructions for use, but these information shall be given on the wholesale packages or multi piece packages, as the case may be.

2. the 'date of manufacture' or 'best before date' or 'expiry date' may not be required to be mentioned on the package having surface area of less than 30 square centimeters but these information shall be given on the wholesale packages or multipiece packages, as the case may be;

3. in case of liquid products marketed in bottles, if such bottle is intended to be reused for refilling, the requirement of list of ingredients shall be exempted, but the nutritional information specified in regulation 2.2.2 (4) these regulations shall be given on the label.

Provided that in case of such glass bottles manufactured after March 19, 2009, the list of ingredients and nutritional information shall be given on the bottle.

4. in case of food with shelf-life of not more than seven days, the 'date of manufacture' may not be required to be mentioned on the label of packaged food articles, but the 'use by date' shall be mentioned on the label by the manufacturer or packer.

5. In case of multi piece packages the particulars regarding list of ingredients, nutritional information, Date of manufacture/ packing, best before, expiry date labelling of irradiated food and, vegetarian logo/non vegetarian logo, may not be specified.

2.7 : Notice of addition, admixture or deficiency in food

2.7.1

1. Every advertisement and every price or trade list or label for an article of food which contains an addition, admixture or deficiency shall describe the food as containing such addition, admixture or deficiency and shall also specify the nature and quantity of such addition, admixture or deficiency and no such advertisement or price or trade list or label attached to the container of the food shall contain any words which might imply that the food is pure:

Provided that for purpose of this regulation the following shall not be deemed as an admixture or an addition, namely:—

- (a) salt in butter or margarine;
- (b) vitamins in food.

2. Every package, containing a food which is not pure by reason of any addition, admixture or deficiency shall be labelled with an adhesive label, which shall have the following declaration:
Declaration

This (a) contains an admixture/addition of not more than
(b) per cent of (c).....

- (a) Here insert the name of food.
- (b) Here insert the quantity of admixture which may be present.
- (c) Here insert the name of the admixture or the name of ingredient which is deficient. Where the context demands it, the words ‘contains an admixture of’ shall be replaced by the words ‘contains an addition of’ or ‘is deficient in’.

3. Unless the vendor of a food containing an addition, admixture or deficiency, has reason to believe that the purchaser is able to read and understand the declaratory label, he shall give the purchaser, if

asked, the information contained in the declaratory label by word of mouth at the time of sale.

4. Nothing contained in regulation 2.7.1 shall be deemed to authorize any person to sell any article of food required under the Act or these regulations which is to be sold in pure condition, otherwise than in its pure condition.

5. Nothing contained in regulation 2.7.1 shall apply in the case of sweets, confectionery, biscuits, bakery products, processed fruits, aerated water, vegetables and flavouring agents.

Note-

1. Inserted vide notification no. F. No. 4/15015/30/2011, dated the 7th June, 2013;

2. Inserted vide F. No. 1-83L/Sci. Pan- Noti/FSSAI-2012, dated the 17th February, 2015;

3. F. No. 3-16/ Specified Foods/Notification(Food Labelling)/FSSAI-2014, dated 3rd May, 2016;

4. Substituted vide notification F. No. 1(94)2015/Notification P&L/Enf/FSSAI, dated 25th May, 2016 [this notification also omit the part inserted vide notification no. F. No. P/15014/1/2011-PFA/FSSAI, dated the 27th June, 2013]

5. omitted vide notification F. No. 1(94)2015/Notification P&L/Enf/FSSAI, dated 25th May, 2016

6. F. No. 3-14P/Notification (Nutraceuticals)/FSSAI-2013, dated 13th July, 2016.

7. Omitted vide notification F. No. 1-120(2)/Standards/

Irradiation/FSSAI-2015, 23rd August.

8. Renumbered vide notification F. No. 1-120(2)/Standards/
Irradiation/ FSSAI-2015, 23rd August.

JUTE PACKAGING MATERIALS ACT, 1987

**THE JUTE PACKAGING MATERIALS (COMPULSORY
USE IN PACKING COMMODITIES) ACT, 1987 No. 10 OF
1987**

An Act to provide for the compulsory use of jute packaging material in the supply and distribution of certain commodities in the interests of production of raw jute and jute packaging material, and of persons engaged in the production thereof, and for matters connected therewith.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows : -

- (1)
 1. This Act may be called the Jute Packaging Materials (Compulsory Use in Packaging Commodities) Act, 1987.
 2. It extends to the whole of India.
 3. It shall come into force on such date as the Central Government may, by notification in the Official Gazetted appoint.
- (2) In this Act, unless the context otherwise requires:-
 - a. “commodity” means -
 - i. any essential commodity
 - ii any article manufactured or produced by any scheduled industry
 - b. “essential commodity” shall have the same meaning as in the Essential Commodities Act, 1955 ;
 - c. “Jute packaging material” means jute, jute yarn, jute twine, jute sacking cloth, hessian cloth, jute bags or any other packaging material containing not less than seventy-five percent, by weight, of jute;
 - d. “scheduled industry” shall have the same meaning as in the Industries (Development and Regulation) Act, 1951;

e. "Standing Advisory Committee" means the Standing Advisory committee constituted under section 4.

- (3) 1. Notwithstanding anything contained in any other law for the time being in force, the Central Government may, if it is satisfied, after commodities considering the recommendations made to it by the Standing Advisory which are required Committee, that it is necessary so to do in the interests of production of raw jute and jute packaging material, and of persons engaged in the production thereof, by order published in the Official Gazette, direct, from time to time, that such commodity or class of commodities or such percentage thereof, as may be specified in the order, shall, on and from such date, as may be specified in the order, be packed for the purposes of its supply or distribution in such jute packaging material as may be specified in the order.

Provided that until such time as the Standing Advisory Committee is constituted under section 4, the Central Government shall, before making any order under this sub-section, consider the matters specified in sub-section (2) of section 4, and any order so made shall cease to operate at the expiration of three months from the date on which the Standing Advisory Committee makes its recommendations.

2. Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification

or annulment shall be without prejudice to the validity of anything previously done under that order.

- (4) 1. The Central Government shall, with a view to determining the commodity or class of commodities or percentages thereof in respect of which jute packaging material shall be used in their packing, constitute a Standing Advisory Committee consisting of such persons as have, in the opinion of that Government the necessary expertise to give advice in the matter.
2. The Standing Advisory Committee shall, after considering the following matters, indicate its recommendations to the Central Government, namely: -
- a. The existing level of usage of jute material;
 - b. The quantity of raw jute available;
 - c. The quantity of jute material available;
 - d. The protection of interests of persons engaged in the jute industry and in the production of raw jute;
 - e. The need for continued maintenance of jute industry;
 - f. The quantity Of commodities which, in its opinion is likely to be required for packing in jute material;
 - g. Such other matters as the Standing Advisory Committee may think fit.
- (5) Where an order has been made under section 3 requiring any commodity, class of commodities or any percentage thereof to be packed in jute packaging material for their supply and distribution, such commodity, class of commodities or percentage thereof shall not, on and from the date specified in such order, be supplied or distributed unless the same is packed in accordance with that order:

Provided that nothing in this section shall apply to the supply or distribution of any commodity, class of commodities or percentage thereof for a period of three months from the aforesaid date if immediately before that date such commodity, class of commodities or percentage, thereof were being packed in any material other than jute packaging material.

- (6) The Central Government may, by order, require any person, who is required to use jute packaging material for packing under section 5, to furnish for the purposes of this Act,-
 - a. such information in his possession, with respect to any commodity or class of commodities or percentage thereof which requires such packing, to any officer specified by it, in such form and within such period as may be specified by that Government in the order.
 - b. such samples of jute packaging material for inspection by such officer at such places and within such period as may be specified by it in the order.
- (7) Any officer authorized by the Central Government (hereinafter referred to as the authorized officer) may enter, at all reasonable times, any place, enter and premises or vehicle where any commodity packed in jute packaging material inspect is stored or kept for supply or distribution, and may require its production for inspection and ask for any information relating thereto.
- (8)
 1. The authorized officer may, if he has reason to believe that any commodity has been packed in contravention of section 5 and is secreted in any place, premises or vehicle, enter into and search such place, premises or vehicle for such commodity.
 2. Where, as a result of any search made under subsection (1), any commodity packed in convention of section

5 has been found the authorized officer may seized such commodity and any other thing which in his opinion, will be useful for, or relevant to any processing under this Act:

Provided that where it is not practicable to seize any such commodity or thing, the authorized officer may serve on the person an order that he shall nor remove, part with, or otherwise deal with, the commodity or thing except with the previous permission of the authorized officer.

3. The provisions of the Code of Criminal Procedure 1973, relating to search and seizures shall, so far as may be apply to every search or seizure made under this section.

- (9) Whoever packs any commodity, class of commodities or any percentage thereof any material in contravention of section 5 shall be punishable with fine any which may extend to an amount equal to double the cost of the jute packaging material which should have been use in accordance with the order made under section 3.
- (10) If any person when required by any order made under section 6 to furnish Penalty any information or sample, fails to furnish such information or sample, or makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable, or makes any statement or sample, fails to furnish such information or sample, or makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable statement, or makes any statement or sample, fails to furnish such information or etc cause to believe, to be false or does not believe it to be true, he shall be punishable with fine which may extend to five thousand rupees.
- (11) 1. Where an offence under this Act has been committed by a company, Of fences every person who, at the time the offence was committed, was in charge of, and was

responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

2. Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—for the purposes of this section,

- a. “company” means any body corporate and includes a firm or other association of individuals;
and
- b. “director”, in relation to a firm, means a partner in the firm.

(12) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable.

(13) The Central Government may, by order published in the Official Gazette, direct that the powers exercisable by it under any provision of this Act, other than the power to make orders under section 3 or under section 16 or to make rules under section 17, shall, in relation to such matters and subject to such conditions, if any, as may be specified in the

order, be exercisable also by -

a. such officer or authority subordinate to the Central government;

or

b. such State Government or such officer or authority subordinate to a State Government, as may be specified in the order.

(14) The Central Government may give such directions as it may consider necessary to a State Government as to the carrying into execution of the provision of this act.

(15) No suit, prosecution or other legal proceeding shall lie against the Central Government, State Government or any officer or employee of the Central Govt. of any State Government or any authorized officer for anything which is in good faith done or intended to be done under this Act or any rule or order made there under.

(16) 1. If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest, it may, by order published in the Official Gazette, exempt any person or class of persons, supplying or distributing any commodity or class of commodities, from the operation of an order made under section 3.

2. Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the

case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

(17) 1. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the act.

2. Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

S. RAMAIAH

Secy. the Govt. of India

**JUTE PACKAGING MATERIAL RULES,
1987**

NOTIFICATION, NEW DELHI , THE 26TH AUGUST, 1987

GSR 731 (B) In exercise of the powers conferred by Sub-section (1) of section 17 of the Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987 (10 of 1987), the Central Government hereby makes the following rules, namely;

Short title and commencement

- (1) These rules may be called the Jute Packaging Materials (Compulsory Use in Packing Commodities) Rules, 1987.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition - In these rules, unless the context otherwise requires :

- (a) “Act” means the Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987 (10 of 1987).
- (b) “Committee” means the Standing Advisory Committee constituted under section 4
- (c) “Competent authority” means State Government or any officer or authority subordinate to the Central Government or a State Government as may be specified by the Central Government under section 13.
- (d) “Form” means a form appended to these rules
- (e) “Producer” means the producer or manufacturer of any commodity.
- (f) “Sample” means a sample of any jute packaging material taken under the provisions of the Act or under these rules.
- (g) “Section” means a section of the Act; All words

and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Establishment and constitution of the Committee

- (a) The Committee to be constituted under sub-section (1) of section 4 shall consist of a Chairman and such other members, not exceeding twenty, as may be nominated by the Central Government.
- (b) The members of the Committee shall hold office for a term of three years.
- (c) A casual vacancy occurring in the office of the Chairman or any other member of the Committee by death, resignation or otherwise shall be filled by fresh nomination and the person nominated to fill that vacancy shall hold office only for the remainder of the term for which the Chairman or, as the case may be, the member whose place he takes, was nominated.
- (d) The Chairman of the Committee shall preside at its meetings. Provided that when the Chairman is absent or is unable to attend any meeting of the Committee, any other member of the Committee as may be nominated in writing by him for the purpose shall preside over the meeting of the Committee
- (e) The Committee shall meet at such place and at such time as may be determined by the Chairman. Provided that the Committee shall meet at least once a year to review the commodities or class of commodities, or percentage thereof, required to be packed in jute packaging material under section 3.

4. **Maintenance of register and submission of return:**
Every producer, who is required under section 3 to use jute

packaging material for packing commodities shall maintain a register in Form I and submit a return in Form II within fifteen days of the following month to the Competent authority having jurisdiction in respect of the commodity (Commodities).

Power to call for information and samples

- (a) Every producer, who is required under section 3 to use jute packaging material for packing of commodities, shall furnish to the Competent authority when so required by an order or orders issued to him, such information in his possession with respect to any commodity or class of commodities or percentage thereof which requires such packing, in such form and within such period as may be specified in such order or orders. Every such producer shall also furnish samples of jute packaging material for inspection at such place or places and within such period as may be specified in the said order or orders. The Competent authority may call for the submission of the return from time to time by every such producer within the date specified by him.
- (b) If any producer fails to furnish the return referred to in sub-rule (1) within the specified date or furnishes incorrect or defective return, the Competent authority may serve a notice on the producer calling upon him to produce all or any of his accounts relating to commodities produced or manufactured in and removed from his factory.
- (c) If the producer, after furnishing a return discovers any omission or wrong statement therein, he may, with the permission of the Competent authority make appropriate changes in the return and resubmit it any time before he receives the notice under sub-rule (2).

6. **Powers of the Competent authority to inspect the records of the producer:** Every producer shall permit the Competent authority to enter at all reasonable times, any Places, premises or vehicles where any commodity packed in jute packaging material is stored or kept for supply or distribution, for inspection and collection of information relating thereto and to inspect the books of accounts and records maintained by him, for the purpose of verifying the correctness of the information or returns furnished by him and securing compliance with the order issued under section 3.
7. **Period to be considered for verifying Compliance with order issued under section 3:** Where an order has been issued by the Central Government under section 3 requiring any commodity, class of commodities or any percentage thereof to be packed in jute packaging material for their percentage thereof to be packed in jute packaging material for their supply or distribution, the compliance with that order shall be determined with reference to use of specified percentage of jute packaging material in a period of one calendar month.
8. **Use of new and unused jute packaging materials:** In any order to be issued under section 3, it shall be competent for the Central Government to indicate that only new and unused jute packaging materials shall be used by the producer.